



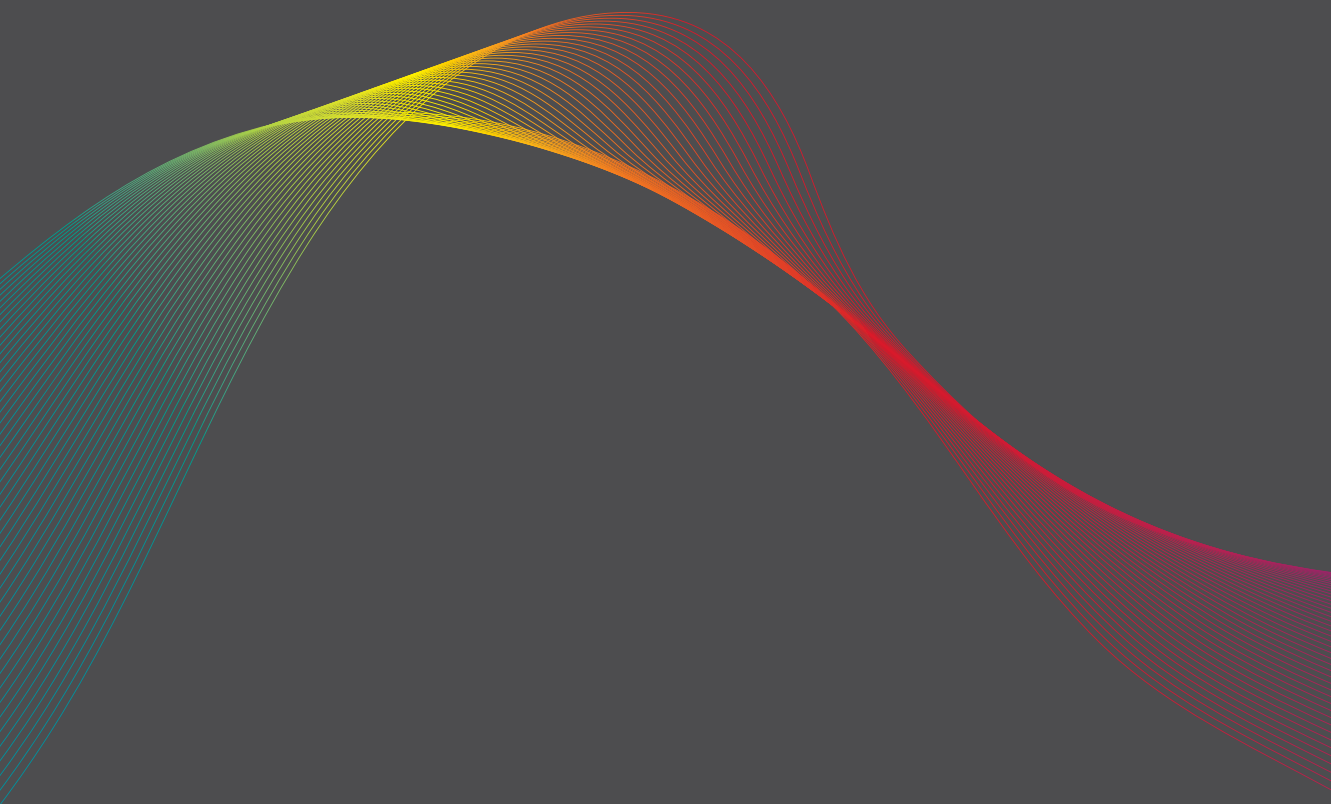
Australian Government



**Australian
Communications
and Media Authority**

Annual report

2009–10



communicating | facilitating | regulating

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and Media Authority**

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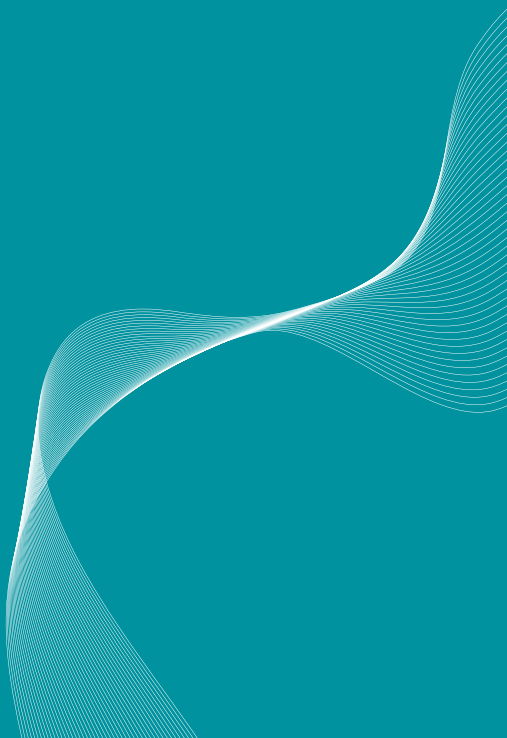
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30 September 2010

Senator the Hon. Stephen Conroy
Minister for Broadband, Communications and the Digital Economy
Parliament House
Canberra ACT 2600

Dear Minister

In accordance with section 57(1) of the *Australian Communications and Media Authority Act 2005*, I am pleased to present the annual report on the operations of the Australian Communications and Media Authority, for the 2009–10 reporting year.

Please note that section 57(3) of that Act requires that you table the report in each House of Parliament within 15 days of receiving it.

Yours sincerely



Chris Chapman
Chairman

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Chairman's foreword



The last year was one of significant change and development for the Australian Communications and Media Authority (the ACMA). The pace of change in media and communications is relentless and illustrated by any number of statistics and observations.



Chris Chapman, Chairman

Let me mention what, for me, were two of the most eye-opening:

- > Internet users in Australia are downloading an exponential increase in data over the internet, highlighting its importance as a business and social tool. The Australian Bureau of Statistics has estimated that internet users downloaded 135,674 terabits of data during the December 2009 quarter, up from 81,352 terabits for the same period in 2008, representing a 66 per cent increase.
- > Internet users have also continued to shift to higher internet speeds to support their more intensive use of the internet; by December 2009, 62 per cent of internet connections have a download speed of 1.5 Mbps or greater.

To maintain its relevance in this complex and constantly changing convergent communications environment, the ACMA itself changed with a mid-year restructure. This was designed to put the organisation on an agile footing to address the pace of the challenges of this environment, as well as to better recognise the citizen aspects of our functions and roles. So the restructure became the latest step in the organisation's continuing transformation.

The new structure is designed with the unequivocal intention of meeting the sector-specific tasks of the present—a broadcasting focus on digital TV and radio and the current telecommunications lens for the National Broadband Network (the NBN)—while as their dynamics unfold, maintaining our convergence orientation to the regulatory challenges of the present and some likely future outcomes.

Implemented on 1 December 2009, the new structure has brought additional focus to several key tasks that currently face the ACMA, while also delivering a much better platform from which the ACMA can continue to pursue its goals into the immediate future.

In summary, we reshaped our divisional structure, with the following factors as the primary drivers for this change:

- > delivering on the ACMA's mandate to support the digital television transition
- > anticipating a range of regulatory issues associated with the development of the NBN and recognising the growing significance of the digital economy to the ACMA's work more generally

- > signalling an appropriate new weighting to the role of the citizen, consistent with Australian Government initiatives
- > looking for ways to continue to drive focus and improvement in the ACMA's regulatory mandate and day-to-day work.

Broad staff and management acceptance and engagement with the restructure resulted in a reasonably smooth and quick implementation and by the end of the financial year the 'new' organisation had found its feet.

To emphasise our sense of identity and role, I was very excited to launch in June 2009 a refreshed brand identity for the organisation which captured its essence into a single and unifying expression of the ACMA's strategic goal—'To make communications and media work in Australia's public interest'. The new logo and brand identity capture the convergence of the 'four worlds' that the ACMA regulates—telecommunications, broadcasting, radiocommunications, and the internet. Each of the first three had its genesis in its traditional, often physically defined analog world, but all four are now trending towards a converging IP-enabled centre point.

During the year, the new brand was applied broadly across the organisation, particularly through our website, publications and marketing collateral. A strapline to portray the ACMA in action was vital, as part of positioning the renewed ACMA brand to be a driving descriptor of our transformation process to both our external audience (our stakeholders) and internal audience (our staff). This was distilled to be 'communicating | facilitating | regulating', which is also internally used with an imperative focus as 'communicate | facilitate | regulate'.

I want to now turn to some of the major work pieces for the year. In April 2010, I announced that the ACMA would conduct a formal inquiry into customer service and complaints-handling in the telecommunications industry.

The inquiry is part of a broad strategy called *Reconnecting the Customer* and is a direct response to the continuing high volume of complaints to the Telecommunications Industry Ombudsman (TIO). It is also a response to the ACMA's ongoing concern about whether the current arrangements that underpin telecommunications consumer protection are fully effective in dealing with the issues that concern consumers the most. It was clear that this had to be confronted directly and urgently, otherwise we would be talking about these same issues for years to come. The inquiry also has half an eye to effective consumer protection in future convergent environments.

As part of the inquiry, I personally asked the CEOs of a number of the larger service providers, who account for 90 per cent of complaints to the TIO, to present their views on these matters. As the inquiry progresses, I will be looking for their cooperation on enforceable strategies for materially lowering the number of complaints to the TIO about complaint-handling. This, unusually for the ACMA, is a public enquiry and the ACMA will conduct broad consultation with stakeholders, including the holding of hearings and engagement with consumers, consumer groups, industry and other regulatory agencies.

Each year, our work in spectrum planning and administration provides us with challenges and the last year was no exception. We released a discussion paper as part of our review of the pricing, planning and licensing arrangements for spectrum in the 2.5 GHz band. This band has been identified internationally for wireless access services (WAS). This band in Australia is currently almost exclusively used by free-to-air TV broadcasters for outside broadcasting, including electronic news gathering (ENG). At the end of the year, we were continuing our analysis of the submissions received to the paper which set out our preliminary view about WAS access to the band and the longer term options for outside broadcasting ENG services.

Proposals were also finalised for future arrangements in the 400 MHz band, including a harmonised band for government use and measures to allow more efficient use of this spectrum. In its domain, the harmonised band has the potential to make a real nation-building contribution to Australia. In addition, we released spectrum for wireless access services in regional and remote areas of Australia in the 3.6 GHz band and spectrum for public mobile telecommunications services in regional and remote Australia in the 2.1 GHz band. Once again, we updated and released the *Five-year Spectrum Outlook 2010–2014* and issued a number of discussion papers focussing on emerging technologies, including intelligent transport systems and ultra wide-band.

Late in the financial year, the Minister for Broadband, Communications and the Digital Economy, Senator the Hon. Stephen Conroy, confirmed the 126 MHz size of the spectrum 'digital dividend' from analog television switch-off, which now paves the way for the ACMA to consult with potential spectrum purchasers. This consultation will start with the release of a public discussion paper (likely to be in the fourth quarter of 2010) setting out planning and allocation issues as well as options for new spectrum licences.

One of the ACMA's key functions is to assist industry to develop codes of practice that are in accordance with community standards and to monitor compliance with those codes.

Mobile premium services (MPS) continued to be an area of focus following the registration of the Mobile Premium Services Code. During the year, the ACMA embarked on a broad and thorough program of monitoring compliance with the code, conducting a number of investigations, and made a determination to assist in preventing unexpectedly high charges through the ACMA's barring option initiative. Given the consumer detriment that was witnessed following the industry's initially unacceptable approach to MPS, an early review of the new code is about to commence.

The ACMA registered two major broadcasting codes of practice—a new commercial television industry code of practice and the Commercial Radio Australia Codes of Practice and Guidelines 2010.

Developed by Free TV Australia, but with significant consultation with the ACMA, the commercial television industry code of practice came into effect in January 2010. Among other things, the new code allows viewers to lodge complaints electronically for the first time, using an online form. This development, while it may have seemed inevitable, required a heightened, cooperative approach between industry and the ACMA.

The Commercial Radio Australia Codes of Practice and Guidelines 2010 were developed by Commercial Radio Australia (CRA)—again in consultation with the ACMA—and came into effect in February 2010.

Among various enhancements to the codes, anti-discrimination clauses have been better aligned with those in state and territory legislation to enable them to be applied more consistently. The audience test for standards of decency provisions has been simplified, and the accuracy and privacy protections in the presentation of current affairs programs have been clarified and extended to include provision for a correction.

Like the television industry, the codes require commercial radio broadcasters to accept complaints electronically for the first time. From 1 July 2010, a progressive rollout of electronic complaints-handling will be commenced by commercial broadcasters serving more than 65 per cent of the listening audience.

The ACMA quickly responded to issues of concern raised by an episode of the *Kyle and Jackie O Show* which, together with our assessment of evolving radio formats, triggered the ACMA's investigation into the adequacy of community safeguards for the protection of participants in live-hosted commercial radio. CRA is now also considering the development of a new code to take account of the outcomes of this investigation.

During the year, there was strong demand from teachers, students and parents for all our Cybersafety Outreach programs. In total, our team delivered over 1,000 presentations to more than 120,000 teachers, parents and students. Our existing range of cybersafety education resources for schools was expanded with the launch of several new resources, while work began on the development of new material specifically aimed at parents. At the same time, we continued to collaborate with Australian and international agencies involved in online safety, establishing a number of key partnerships. We also continued to use research to inform the development of new cybersafety advice and resources for young people and parents. With funding and the support of the government, these cybersafety initiatives are delivering tremendous results and genuine international traction.

Our organisation's broad research program continued to help in making informed decisions as an evidence-informed regulator, as well as providing an understanding of the implications of the regulation of communications and media markets. To further explain the role of the ACMA's research and information in decision-making and regulatory policy development, we published *Evidence-informed regulation: The ACMA approach* during the reporting year.

Throughout the year, our field operations work continued with key activities including digital switchover field strength measurements in survey areas across the country. Already to date we have undertaken more than 52,000 measurements at more than 12,000 locations across the broad reach of Australia. The ACMA will continue to conduct site measurements over the coming three years, with the completion in each television viewing area intended to be at least six months before the switchover to digital takes place in that area.

To foster heightened citizen involvement and help deliver even more prompt and transparent decision-making and rule-making, we moved to broaden our outreach and engagement during 2009–10. Under the umbrella of Gov 2.0, we adopted a variety of Web 2.0 and other engagement methods to better interact with our stakeholders, Australian citizens and the various 'communities of interest' within the broader community. This followed the appointment in early 2010 of a senior executive to oversee this more uncharted work. Over the next 12 months, we will continue to build our social media presence on the major networking sites and employ these platforms to broaden our outreach, inform with richer content, consult and engage efficiently, and deepen our collaboration and facilitation.

As expected, the year was not without its challenges. The new year promises more but the ACMA has built, and continues to build, capacity and capability (reinforced in the shape of our now well established new structure) so as to respond with flexibility and resilience to whatever 2010–11 brings.



Chris Chapman
Chairman



Highlights



The following are some particular highlights of 2009–10 for the Australian Communications and Media Authority (the ACMA).

Digital television

As the regulator responsible for spectrum management and broadcasting, the ACMA has a number of responsibilities related to the switchover to digital television. During 2009–10, the ACMA continued to work closely with the Digital Switchover Taskforce and related areas of the Department of Broadband, Communications and the Digital Economy, providing technical expertise as well as regulatory and television coverage advice.

Through its digital switchover field strength measurement program, the ACMA is evaluating digital television coverage across Australia so planning can be completed to ensure equivalent coverage before analog television is switched off. This year, the program covered 12 areas across the country. Measurements are completed in each television viewing area at least six months before the switchover to digital, which began with the Mildura/Sunraysia region on 30 June 2010 and will be rolled-out progressively around the country, region by region until the end of 2013.

Public inquiry into customer service and complaints-handling

In April 2010, the ACMA announced that it will undertake a formal public inquiry into customer service and complaints-handling in the telecommunications industry—the *Reconnecting the Customer* public inquiry. The inquiry was prompted by:

- > the ACMA's concern that the current self- and co-regulatory arrangements which underpin telecommunications consumer protection mechanisms may not deal with the issues of most concern to consumers
- > the 54 per cent increase in complaints to the TIO in 2008–09, including a 130 per cent increase in complaints about complaints-handling and a 72 per cent increase in complaints about customer service.

The inquiry is a key part of the ACMA's consumer protection strategy for the next 12 months and, among other things, will:

- > identify systemic causes of dissatisfaction with complaints-handling and related customer service matters
- > identify 'best practice' standards for complaints-handling and customer service in the telecommunications industry.

Cybersafety

Cybersafety awareness activities during the year focused on the launch of the Cybersmart website and Cybersmart Online Helpline. Launched in July 2009, the website provides young people, parents, teachers and library staff a one-stop shop for cybersafety information and education resources. The helpline, which is accessed through the website, offers real-time online counselling and advice to young people who are experiencing issues such as cyberbullying, dealing with online relationships, or loss of online privacy. The development and deployment of internet safety presentations and teacher professional development for the Cybersafety Outreach program, as well as the development of cybersafety education programs and information material for schools, parents and libraries, continued throughout the year.

Completion of review of the Children's Television Standards

In 2009–10, the ACMA completed its review of the Children's Television Standards and made the new Children's Television Standards 2009 (CTS). The main provisions in the CTS took effect on 1 January 2010 and include strengthened advertising restrictions during children's programs for endorsements or promotions by popular characters, and ensuring the use of premium offers (such as toys) is merely incidental. A 'block programming' option was introduced, allowing broadcasters the opportunity to broadcast part of the children's (C) quota in large blocks of time each week, rather than over smaller timeframes each weekday. In addition, more specific requirements have been introduced, requiring broadcasters to notify audiences if they depart from their notified schedules for the broadcast of C and preschool (P) programs.

New codes of practice registered

On 18 December 2009, the ACMA registered a new commercial television industry code of practice. The code was developed by Free TV Australia (FTV)—the industry group representing commercial television broadcasters—in consultation with the ACMA and came into effect on 1 January 2010. The new code provides important viewer safeguards and should provide for a greater program choice on the emerging digital multi-channels. For the first time, viewers are able to lodge complaints electronically using an online form.

On 19 February 2010, the ACMA registered the Commercial Radio Australia Codes of Practice and Guidelines 2010, except for Code 4: Australian Music, which was registered on 10 June 2010. The codes were developed by Commercial Radio Australia (CRA) in consultation with the ACMA and cover a range of matters concerning commercial radio broadcasters. Also, for the first time, commercial radio broadcasters will be required to accept complaints electronically. A progressive rollout of electronic complaints-handling will commence from 1 July 2010.

CRA is also considering the development of a new code, in consultation with the ACMA, to take account of the outcomes of the ACMA's investigation into the adequacy of community safeguards for the protection of participants in live hosted commercial radio. It is anticipated that the new codes for participants will be finalised for registration during the 2010–11 financial year.

ACMA Chairman, Chris Chapman, announcing a formal inquiry into telecommunications customer service at the CommsDay Summit, Sydney, 20 April 2010.



Mobile premium services

Throughout the reporting period, and following the registration of the Mobile Premium Services Code, the ACMA has undertaken an extensive and rigorous program of monitoring compliance by mobile premium services with the code. Using compliance audits, the ACMA has identified potential contraventions of the code and brought the problem to the attention of the supplier of the mobile premium service. In the majority of cases, changes to services to achieve future compliance have been readily volunteered.

In other cases, the ACMA has initiated an investigation under the *Telecommunications Act 1997*. In 2009–10, the ACMA completed 13 investigations of contraventions of the code, and a direction to comply with the code was issued to one supplier.

Partly as a result of the ACMA's compliance monitoring, the number of complaints about mobile premium services recorded by the Telecommunications Industry Ombudsman fell steadily during the reporting period. In the June quarter 2010, they reached 1,509 complaint issues—the lowest quarterly figure for mobile premium services complaints since the TIO commenced collecting distinct complaint data relating to mobile premium services in December 2006. The ACMA intends to continue this program into the next reporting period as well as commencing a review of the Mobile Premium Services Code.

In March 2010, the ACMA made the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1), which requires all mobile carriage service providers to:

- > offer barring of all premium SMS and MMS services to their customers from July 2010
- > provide information to their customers at regular intervals over the lifecycle of ownership of a mobile phone service about barring and how to request it.

The determination will assist mobile phone customers to prevent their service, or a service used by a child or employee, from incurring unexpectedly high charges or loss of prepaid phone credits resulting from intentional or inadvertent use of mobile premium services.

Online content complaints

During 2009–10, the ACMA experienced an increase in the already high number of complaints about online content. A total of 3,212 complaints were received in the reporting period, a substantial increase over the 1,182 complaints received the previous year.

The ACMA finalised investigations into 3,828 items of online content during the reporting period, a 68 per cent increase compared with 2,281 in the 2008–09 period, which was an increase of 53 per cent on 2007–08.

The increase in complaints received by the ACMA is likely due to a range of factors including:

- > an increased number of Australian families who are online
- > greater awareness of the potential dangers of harmful content
- > increased awareness of how to report suspected prohibited content
- > greater community interest in online content regulation issues and the role of the ACMA in this area.

Do Not Call Register

In 2009–10, more than 1.49 million telephone numbers were added to the Do Not Call Register and, by 30 June 2010, a total of 5.04 million telephone numbers had been registered.

By the end of the reporting year, 4,451 telemarketers had established accounts to check telephone numbers and more than 3.10 billion telephone numbers had been checked, or 'washed', against the register.

The *Do Not Call Register Legislation Amendment Act 2010* came into effect on 30 May 2010 featuring two key changes:

- > expanding the register to include emergency service, government telephone, and fax numbers
- > giving the Minister for the Department of Broadband, Communications and the Digital Economy the ability to extend the registration period from three years. The registration period was subsequently increased to five years by ministerial determination, which came into effect on 30 May 2010.

The ACMA is responsible for implementing all the operational changes to the register.

In the 2009–10 year, a total of total of 11,229 telemarketing and fax marketing complaints were received. Of these, 9,308 raised potential contraventions of the *Do Not Call Register Act 2006* (DNCR Act) and/or the Telemarketing Industry Standard.

The total number of telemarketing and fax marketing complaints received represents a 5.47 per cent increase when compared with the 2008–09 year.

In this reporting period, the ACMA finalised 13 investigations into individuals or organisations that were alleged to have contravened the DNCR Act. Enforcement action taken this year included:

- > giving four infringement notices ranging from \$1,100 to \$101,200
- > accepting seven enforceable undertakings
- > issuing six formal warnings
- > commencing proceedings against one company in the Federal Court.

Anti-spam activity

During 2009–10, the ACMA was successful in obtaining declarations and injunctions, in addition to penalties of \$22.25 million, for seven respondents in the ACMA's first Federal Court action involving SMS spam. The ACMA alleged that the parties were involved in a complicated scheme which established fake dating website profiles in order to obtain mobile telephone numbers from genuine dating website users. SMS messages were then sent to the mobile numbers offering premium SMS chat services. Messages were charged at approximately \$5 per message. Judgment for the eighth respondent is pending.

Also in the Federal Court, the ACMA was successfully granted declarations and injunctions against an individual for causing more than 100,000 email messages to be sent advertising herbal products, watches and other items. A penalty of \$210,000 was also imposed. The ACMA's investigation was conducted with the assistance of the United States Federal Trade Commission and the New Zealand Department of Internal Affairs.

During the year, the ACMA accepted eight enforceable undertakings with financial components totalling \$280,000.

Towards the end of the year, the ACMA launched its Spam SMS service to allow the public to quickly and easily report spam using SMS. Spam SMS is a dedicated number—0429 999 888—that the public can use to forward spam SMS messages directly to the ACMA.

Investigations and enforcement action

The Commercial Radio Code of Practice 2004 requires all program content to meet contemporary standards of decency, having regard to the likely characteristics of the audience of the licensee's service.

During the reporting period, the ACMA conducted an investigation concerning an episode of the *Kyle and Jackie O Show* broadcast on 29 July 2009 by Today FM Sydney Pty Ltd, the licensee of 2Day FM.

The ACMA received 170 complaints about the broadcast in which a 14-year-old girl was attached to a lie-detector and questioned by her mother about her sexual history and truanancies. The ACMA found that, even having regard to the likely characteristics of the audience of the licensee's service, the licensee had breached the relevant code provision. While the licensee moved immediately after the broadcast to put in place new policies and procedures, the ACMA considered that these new procedures did not address the key concern of the investigation—that a child could be placed in such a vulnerable situation in the first instance—and imposed an additional condition on the licence.

The ACMA also investigated under section 170 of the *Broadcasting Services Act 1992* whether industry practice and regulatory arrangements—in particular the Commercial Radio Australia Codes of Practice and Guidelines 2004—were providing appropriate community safeguards for the treatment of participants in live hosted commercial radio programs.

The investigation considered evidence provided in submissions, community attitudes research, and an analysis of the ACMA's own complaints and investigations data.

The investigation found that:

- > there is community concern about the treatment of participants in commercial radio, and that the concern is greater when the participant is a child
- > the current codes do not adequately address the community concerns, particularly the treatment of child participants

- > while industry does have in place practices that provide important community safeguards, these practices are not formalised in the industry codes.

The ACMA is working with the commercial radio industry to develop codes of practice that include specific provisions for addressing the issues raised in the investigation. The codes are expected to be finalised for registration by the ACMA in 2010–11.

Spectrum planning

During the year, the ACMA released a discussion paper as part of its review of the pricing, planning and licensing arrangements for spectrum in the 2.5 GHz band. The 2.5 GHz band is currently used primarily by free-to-air TV broadcasters for electronic news gathering. The discussion paper set out a preliminary view that electronic news gathering services could continue to operate in a part of the 2.5 GHz band. The remainder of the band would be made available for wireless access services via spectrum licensing in major metropolitan areas and may be available for both electronic news gathering and wireless access services in other areas. The ACMA is continuing its analysis of submissions received in response to the discussion paper.

Emerging technologies, including intelligent transport systems and ultra wide-band, were the focus of other discussion papers released during the year. A smart infrastructure project team was also established to work with industry to identify the spectrum needs of various smart infrastructure technologies and applications.

Proposals for future spectrum arrangements in the 400 MHz band were finalised, including a harmonised band for government use and measures to allow more efficient use of this spectrum. The ACMA also released spectrum for wireless access services in regional and remote areas of Australia in the 3.6 GHz band and for public mobile telecommunications services in regional and remote Australia in the 2.1 GHz band.

International activities

The ACMA participated in national, regional and international radiocommunications meetings to prepare for the International Telecommunication Union (ITU) World Radiocommunication Conference 2012 (WRC-12). WRCs are held approximately every three to four years to review and amend the ITU Radio Regulations.

This year, the ACMA has focused on Australia's participation in Asia-Pacific regional preparation and the work undertaken in the ITU Radiocommunication Sector Study Groups in preparation for WRC-12.

Research and reporting

The ACMA undertook a wide range of research during the year covering four broad themes:

- > digital society, examining consumer and audience attitudes, concerns and service use
- > business models, trends in service developments and supply arrangements
- > technology and technical developments
- > economic analysis and regulatory design best practice approaches.

As well as meeting its statutory obligations, the ACMA's research and reporting program assists the agency in making informed decisions as an evidence-based regulator and understanding the implications that regulation of communications and media markets may create.

Released in February 2010, *Evidence-informed regulation: The ACMA approach*, outlines the role of the ACMA's research and information in decision-making and regulatory policy development.

Conferences and events

RadComms2010

The ACMA held its fourth national conference on spectrum management, *RadComms2010—Spectrum, powering a mobile world*, on 5 and 6 May 2010 in Melbourne, attracting more than 240 radiocommunications professionals from across industry and government.

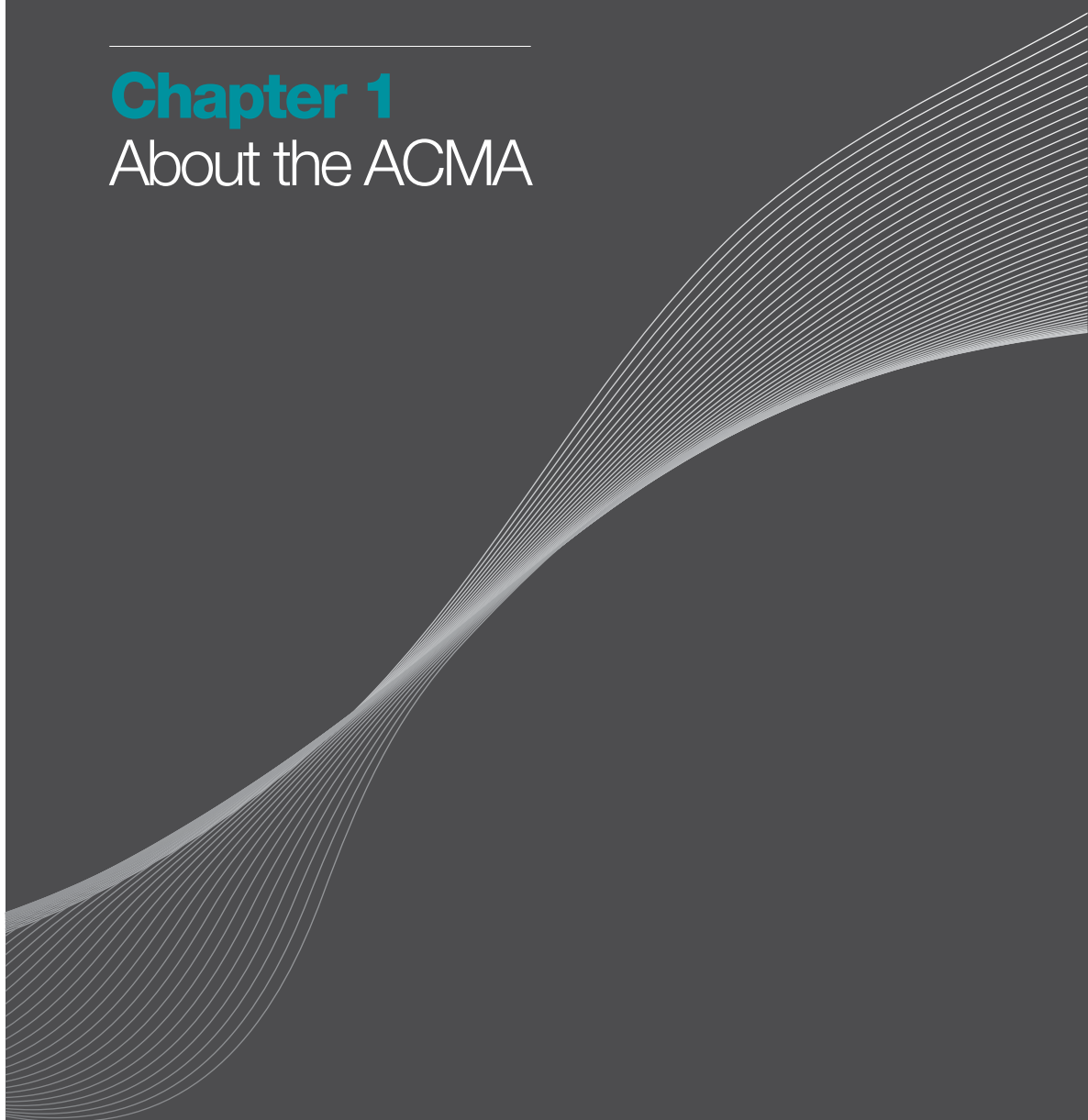
The conference is designed to give participants the opportunity to hear the latest spectrum developments, participate in open forums and exchange ideas with radiocommunications professionals.

Spectrum Tune-ups

In 2009–10, the ACMA held two Spectrum Tune-ups in Melbourne and Canberra that focused on issues associated with intelligent transport systems (ITS) and the review of the 2.5 GHz band. These one-day events were established to provide direct interaction with radiocommunications stakeholders and target specific radiocommunication professionals on topical matters of interest.

Chapter 1

About the ACMA



Chapter 1 details the functions, structure and corporate governance that enable the ACMA to perform its role, administer regulations and legislation, and deliver its services.

Functions and responsibilities

The Australian Communications and Media Authority (the ACMA) is a statutory authority within the federal government portfolio of Broadband, Communications and the Digital Economy. Senator the Hon. Stephen Conroy is the minister responsible for the portfolio. The ACMA is responsible for the regulation of broadcasting, the internet, radiocommunications and telecommunications.

In accordance with the relevant legislation, the ACMA's specific responsibilities include:

- > regulating telecommunications and broadcasting services, internet content and datacasting services
- > managing access to radiofrequency spectrum bands through radiocommunications licence arrangements, and resolving competing demands for that spectrum through price-based allocation methods
- > planning the availability of segments of radiofrequency spectrum bands used by broadcasting services, and managing access to that spectrum through broadcasting licence arrangements
- > regulating compliance with the relevant legislation, licence conditions, codes of practice, standards, service guarantees and other safeguards
- > promoting and facilitating industry self-regulatory and co-regulation solutions to emerging issues
- > where necessary, exercising powers to create legislative and other instruments, often in the form of standards or service provider rules
- > facilitating the provision of community information to promote informed decisions about communications products and services
- > reporting on matters relating to the communications industry, including its performance
- > representing Australia's communications interests internationally
- > advising the government on specific matters from time to time.

Revenue collection

The ACMA collects revenue on behalf of the Australian Government through broadcasting, radiocommunications and telecommunications taxes, charges and licence fees. It also administers non-regular revenue from spectrum auctions. Major spectrum auctions were last conducted between 1997 and 2001, generating over \$3 billion in government revenue (see *Market-based resource management*, page 51).

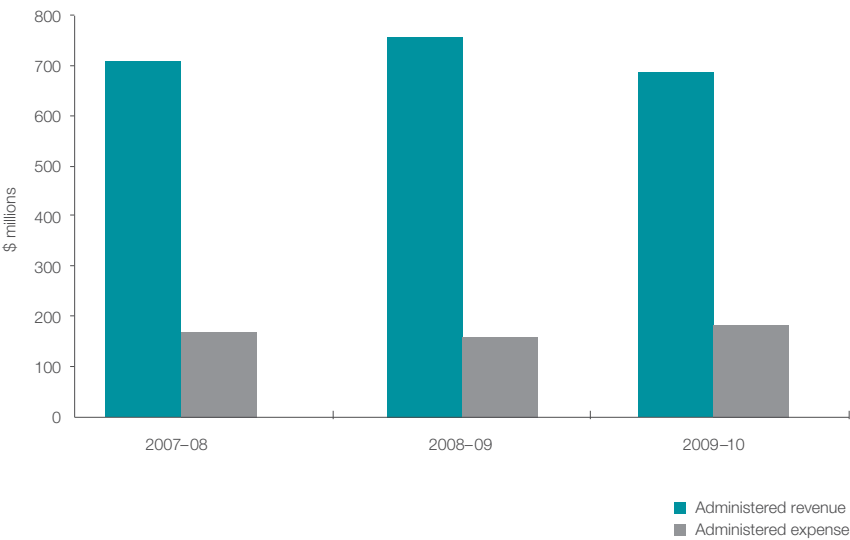
In 2009–10 the ACMA administered \$687.683 million of revenue (2008–09: \$757.173 million) and \$183.257 million of expense (2008–09: \$160.439) on behalf of the government (see Figure 1).

Structure

The Authority

At 30 June 2010, the Authority comprised the Chairman, the Acting Deputy Chair, five part-time Members and one Associate Member (see Table 1).

Figure 1: Revenues and expenses administered on behalf of government



About the Authority



Chairman and Chief Executive Officer: Chris Chapman

Appointed 27 February 2006 for five years

Chris Chapman commenced as the inaugural Chairman and CEO of the Australian Communications and Media Authority in February 2006. He was also appointed an Associate Member of the Australian Competition and Consumer Commission in September 2007.

Mr Chapman has had an extensive career including leadership roles in the media, broadcasting and film, internet, telecommunications and internet business, sports and the infrastructure sector. Before joining the ACMA, Mr Chapman held a number of senior management positions with Babcock & Brown, Optus, Stadium Australia Management and the Seven Network. Mr Chapman has also been the Chairman of Film Australia and SportsVision Australia, and a previous member of the National Film and Sound Archive's Advisory Council.

Mr Chapman has a Bachelor of Laws and a Bachelor of Commerce from the University of New South Wales and has completed the Harvard Business School Advanced Management Program (AMP).



Full-time Member and Acting Deputy Chair: Chris Cheah

Appointed 1 July 2005 for four years

Reappointed from 1 July 2009 for five years

Chris Cheah was previously head of the Telecommunications Division of the Department of Communications, Information Technology and the Arts, advising the government on telecommunications issues. He has also managed accessibility funding programs and held positions with Austel and Telstra. Mr Cheah was Acting Deputy Chair from July to November 2008, while Lyn Maddock was on secondment, and from February to June 2009 after Ms Maddock left the ACMA. He continued as Acting Deputy Chair during 2009–10.



Part-time Member: Malcolm Long

Appointed 1 July 2005 for four years

Reappointed from 1 July 2009 for one year

Malcolm Long is the former Executive Director of the Australian Film Television and Radio School and was previously a part-time Member of the Australian Broadcasting Authority. He was Managing Director of the Special Broadcasting Service (SBS), and has held various roles with the Australian Broadcasting Corporation (ABC), including Deputy Managing Director. Mr Long has also worked for several years as a communications consultant.



Part-time Member: Johanna Plante

Appointed 1 July 2005 for three years

Reappointed from 1 July 2008 for two years

Johanna Plante is the former Chief Executive Officer of the Australian Communications Industry Forum. She has held senior positions with KPMG, Telstra, Pacific Star Communications, and Coopers and Lybrand, was a member of Austel and a board member of Networking the Nation.

**Part-time Member: Rod Shogren***Appointed 1 July 2005 for three years**Reappointed from 1 July 2008 for three years*

Rod Shogren is a former commissioner with the Australian Competition and Consumer Commission, with a role in telecommunications regulation. He has held a number of senior positions within the public sector and is a consultant for Access Economics.

**Part-time Member: Jennifer McNeill***Appointed 1 July 2008 for five years*

Jennifer McNeill, whose areas of expertise include competition and regulatory law, and consumer protection and litigation, brings a strong regulatory and consumer perspective to the ACMA. From 2002 to 2007, she was a Commissioner at the Australian Competition and Consumer Commission, including a term as Commissioner with primary responsibility for consumer protection.

**Part-time Member: Geoff Luther***Appointed 1 July 2008 for five years*

Geoff Luther's expertise and experience is in spectrum regulatory matters and radiocommunications. He acted as a full-time Member of the former Australian Communications Authority (ACA) from 2003 to 2005 and was awarded the Public Service Medal in 2006 for his work on the development of a comprehensive spectrum allocation system for Australia.

**Associate Member: Graeme Samuel***Appointed 9 September 2007 for five years*

Graeme Samuel is Chairman of the Australian Competition and Consumer Commission. His previous positions include President of the National Competition Council and Chairman of the Melbourne and Olympic Parks Trust. He was also a Commissioner of the Australian Football League. In 1998, Mr Samuel was appointed an Officer in the General Division of the Order of Australia.

Table 1: The ACMA membership, 30 June 2010

Role	Name	Appointment date
Chairman and Chief Executive Officer	Chris Chapman	27 February 2006 for five years
Full-time Member and Acting Deputy Chair*	Chris Cheah	1 July 2005 for four years Reappointed from 1 July 2009 for five years
Part-time Member	Malcolm Long	1 July 2005 for four years Reappointed from 1 July for one year
Part-time Member	Johanna Plante	1 July 2005 for three years Reappointed from 1 July 2008 for two years
Part-time Member	Rod Shogren	1 July 2005 for three years Reappointed from 1 July 2008 for three years
Part-time Member	Jennifer McNeill	1 July 2008 for five years
Part-time Member	Geoff Luther	1 July 2008 for five years
Associate Member	Graeme Samuel	9 September 2007 for five years

*For 2009–10, pending a permanent appointment to the role.

Corporate structure

The ACMA's day-to-day activities are managed by an executive team comprising the Chairman, the Deputy Chair, the full-time Member, six general managers and 16 executive managers. The ACMA's corporate structure at 30 June 2010 is set out in Figure 3.

At 30 June 2010, the ACMA employed 663 staff under the *Public Service Act 1999* (the Public Service Act), most of whom are located in the ACMA's offices in Canberra, Melbourne and Sydney. The ACMA also has field offices in Brisbane and Hobart.

In May 2009, as part of its review of government expenditure, the Australian Government decided to close the ACMA's Perth and Adelaide offices. The closure of these offices was completed by 31 August 2009, and is consistent with the ACMA's new service delivery model.

The ACMA will continue to provide service within acceptable timeframes to all areas of Australia by utilising field staff from the ACMA's Melbourne, Sydney, Canberra, Brisbane and Hobart offices. Contact details for offices are provided in Appendix 1. Detailed information about the ACMA's staff is provided in Appendix 3.

The ACMA restructure

On 1 December 2009, the ACMA implemented a new structure intended to put the organisation on a sound footing to address the challenges it faces and to recognise the citizen aspects of its functions and roles.

The restructure, the latest step in the organisation's transformation process, was designed to bring additional focus to several key tasks that presently face the ACMA, including digital transition for TV and radio and various telecommunications aspects of the National Broadband Network proposals, while maintaining its commitment to regulate increasingly convergent industries.

The four primary drivers for the restructure were:

- > delivering on the ACMA's mandate to support the digital television transition
- > contributing to the development of the National Broadband Network and anticipating its impact for the ACMA
- > signalling an appropriate new weighting to the role of the citizen, consistent with Australian Government initiatives
- > enabling the ACMA to continue to drive delivery on its current day-to-day work.

The ACMA moved from five to six divisions, each headed up by a general manager. The new divisions created in the restructure were the:

- > Digital Transition Division to take primary carriage of all ACMA work relating to the digitisation of television and digital radio broadcasting and associated matters.
- > Communications Infrastructure Division to focus on the ACMA's core technical activities including the planning and engineering of the radiofrequency spectrum and the organisation's regional operations.
- > Digital Economy Division to bring together the ACMA's future-oriented work and continue the activity that the organisation has already begun on the themes of future challenges and opportunities.
- > Content, Consumer and Citizen Division to consolidate most of the ACMA's non-technical investigation work relating to the interests of individuals as citizens, consumers and audiences for content and programs.

The other two divisions, Corporate Services and Coordination, and Legal Services, remained largely unchanged, while the Office of the Chair was expanded moderately to include media and stakeholder relations.

Corporate governance

The ACMA's regulatory functions and responsibilities are set out in Part 2, Division 2 of the *Australian Communications and Media Authority Act 2005* (the ACMA Act). In addition, the ACMA is also regulated by the *Financial Management and Accountability Act 1997*, where responsibility for governance and management of the ACMA resides with the Chairman as the Chief Executive Officer. The ACMA Chairman is also the head of the ACMA for the purposes of the Public Service Act and has the rights, duties and powers of an employer for Australian Public Service employees in the ACMA.

The ACMA Audit Committee provides independent advice to the Chairman on the ACMA's risk, control and compliance framework, as well as its external accountability responsibilities (see Appendix 3, page 165). The committee also provides a forum for communication between senior management and the internal auditor (Oakton) and the external auditor (Australian National Audit Office). During 2009–10, the Audit Committee continued to look at key corporate processes. Its work also included a number of performance audits on a range of line area functions.

The ACMA also has a number of other committees dealing with finance, compliance and enforcement, human resources and information technology.

Throughout 2009–10, the ACMA's Executive Group assisted the Chairman in his role as the Chief Executive Officer of the ACMA, by providing assistance on issues of high-level corporate or strategic significance to the ACMA's authority. The Executive Group comprised the Chairman, Deputy Chairman, full-time Member and six general managers. Additional information about corporate governance—audit, security and risk management—is detailed in Chapter 4.

Strategic and business planning

Strategic planning

In 2009–10, the ACMA's strategic planning addressed the 2009–2014 planning horizon to enable delivery of the agency's:

- > strategic directions to assist with business planning, budgeting and performance management
- > Portfolio Budget Statements
- > corporate plan
- > annual operating plan.

This approach is designed to ensure that the agency works to commonly understood and agreed strategic priorities that are directed towards the delivery of ACMA's Outcomes and Programs set out in the Portfolio Budget Statements.

Corporate plan

The ACMA corporate plan is a high-level document which the agency is required to prepare and submit to the minister each year under Section 56 of the *Australian Communications Media Authority Act 2005*. The plan covers three years and identifies the ACMA's objectives, and the strategies and policies that the agency will implement to achieve these objectives.

The current plan covers 2010–2012 and is available on the ACMA website.

Operating plan

The ACMA's annual operating plan is an externally focused document which identifies the key strategic activities the ACMA will focus on over the course of the planning year. It sets out detail about the work program that ACMA is continuing to undertake to further these strategic activities.

The current plan covers 2010 and is available on the ACMA website.

Business planning

Through its annual business planning process, the ACMA plans activities for the coming year at a section, branch and divisional level, ensuring that these activities:

- > contribute to the ACMA's outcomes and programs as set out in the Portfolio Budget Statements
- > align with the agency's strategic directions derived from the strategic planning process and set out in the corporate plan
- > contribute to the achievement of the ACMA's objectives at section, branch, divisional and organisational levels.

Business planning also provides the basis for internal budgeting decisions at section, branch, divisional and agency levels.

The ACMA's sections, branches and divisions report monthly to the Chairman against the key activities, key performance indicators and priorities set out in their business plans.

Figure 2: Corporate structure of the ACMA from 1 July 2009 to 30 November 2009

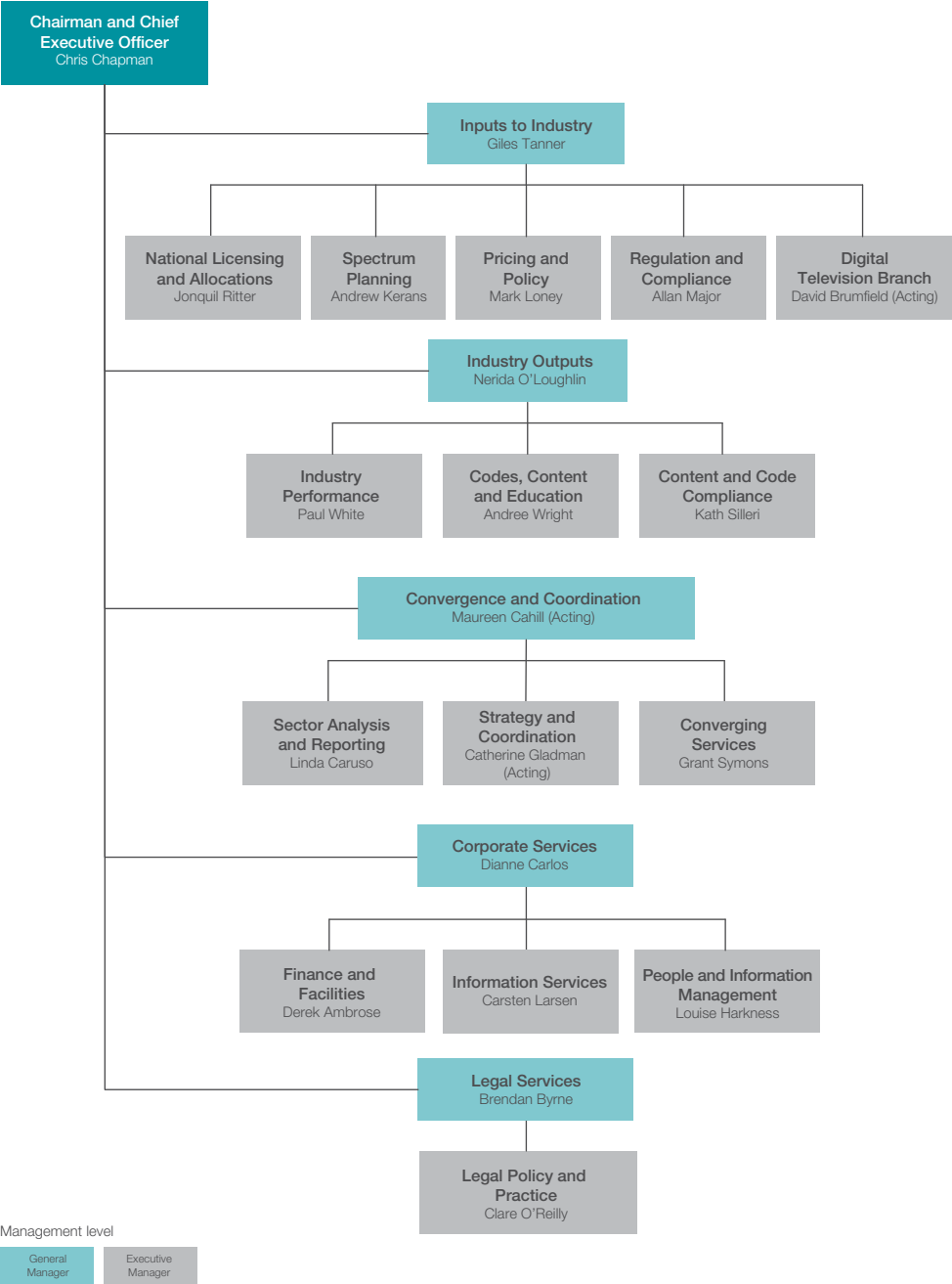
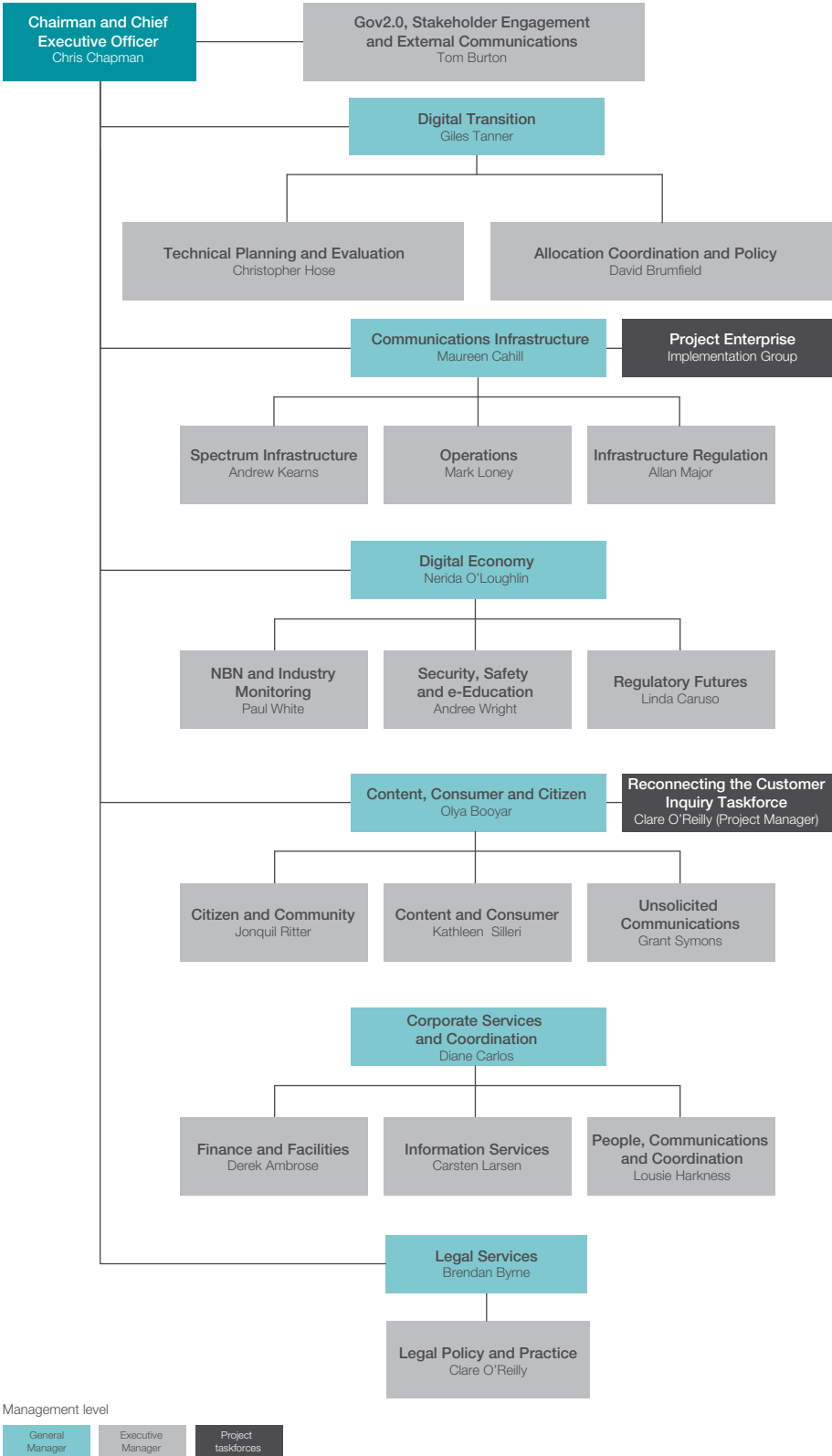


Figure 3: Corporate structure of the ACMA from 1 December 2009 to 30 June 2010



Chapter 2

Regulatory environment



Chapter 2 reflects the ACMA's key result areas related to:

Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice

Program 1.1: Communications regulation, planning and licensing.

The ACMA's responses to the performance information listed below for Program 1.1 can be found throughout the chapter.

Program 1.1: Communications regulation, planning and licensing

Program 1.1 Key Performance Indicators

- > An effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community.
- > Efficient planning, allocation and use of national resources such as radiofrequency spectrum, telecommunications numbering and telecommunications infrastructure.
- > Industry contributes to, and complies with, the regulatory framework without being subject to undue financial or administrative burden.
- > Levels of industry compliance with the regulatory framework as assessed by breaches and recurrent breaches of legislation, codes, standards and licence conditions.
- > The cost of ACMA's regulatory activities is minimised to the extent possible.

Program 1.1 Deliverables

- > Government revenue targets met in the collection of annual numbering charges.
- > Applications for an opinion on control or temporary approval of a breach of the *Broadcasting Services Act 1992* (BSA) dealt with within applicable timeframes.
- > Annual identification and publication of primary issues facing key radiocommunications services, and methods ACMA proposes to use to manage these issues.
- > The proportion of online content, Do Not Call Register and broadcasting code complaints dealt with within applicable timeframes.
- > Evaluate digital transmission reception to assess whether digital television has the same coverage as current analog services.
- > Greater marketplace contestability in frequency assignments.
- > Increased proportion of spectrum licensed through class and spectrum licensing.
- > The proportion of licensing and numbering transaction applications dealt with within applicable timeframes.
- > Price-based allocations of spectrum completed within statutory timeframes.
- > Review community broadcasting licence allocation and renewal processes.

Regulatory functions

As the regulator for broadcasting, the internet, radiocommunications and telecommunications, the ACMA's responsibilities include promoting self- and co-regulation and competition in the communications industry while protecting consumers and other users, fostering an environment in which electronic media respect community standards and respond to audience and user needs, managing access to the radiofrequency spectrum, and representing Australia's communications interests internationally.

The ACMA's regulatory functions are set out in Part 2, Division 2 of the ACMA Act.

The ACMA's responses to convergence and regulatory pressures

Under the ACMA Act, one of the ACMA's functions is to inform itself and advise the Minister for Broadband, Communications and the Digital Economy about technological advances and service trends in the broadcasting, internet and datacasting industries.

Another of its functions is to report to and advise the minister about the telecommunications industry and matters affecting consumers of carriage services. The ACMA also monitors and reports to the minister on the operation of a number of Acts he administers, as specified in Sections 8, 9 and 10 of the ACMA Act. The ACMA continues to monitor and research the rapidly changing communications and media environment to support these functions.

The ACMA's analysis of convergence and regulatory pressure (which is a component of its monitoring and research activity) is becoming an increasingly important input to the ACMA's regulatory development activity. Since its formation in 2005, the ACMA has adopted a multi-dimensional approach to address the impact of convergence and other changes in the policy environment on the effectiveness, efficiency and appropriateness of regulatory settings under the existing legislative framework.

The ACMA will continue to respond to the regulatory issues convergence raises, in order to facilitate the effectiveness, efficiency and appropriateness of regulatory settings.

Ownership and control

The ACMA monitors and investigates broadcasting industry compliance with the media diversity and media control rules.

Its monitoring role includes the handling of applications for prior approval of temporary breaches of control rules and opinions on control arrangements for a given company under Divisions 1, 2, 3, 5 and 5A of Part 5 of the *Broadcasting Services Act 1992* (the BSA or Broadcasting Services Act). This work involves maintaining a number of registers and reports on current control arrangements, including the Register of Controlled Media Groups (RCMG) and the Associated Newspaper Register.

Register of Controlled Media Groups

A core component of the ownership and control rules is the RCMG. The RCMG provides information to industry and the community on the existence of registrable media groups in licence areas across Australia. The RCMG lists the media groups in each commercial radio licence area, the media operations that form part of each group and the controllers of those operations. During 2009–10, the ACMA continued to keep the RCMG and associated media reports up-to-date and publicly available.

Updates to the RCMG

Commercial television and commercial radio licensees and publishers of newspapers associated with a licence area are required to notify the ACMA of any changes in control within five days of becoming aware of those changes. Persons who come into a position to exercise control of such licences and associated newspapers are also required to notify the ACMA within five days of becoming aware of coming into that position.

The ACMA updates the RCMG when it is notified of relevant changes in control. Provided that a transaction creating a new group does not result in an unacceptable media diversity situation or an unacceptable three-way control situation, the ACMA updates the RCMG with an unconfirmed entry within two days of receiving notification.

While an entry for a media group is unconfirmed, or if a removal or alteration of an entry for a group is unconfirmed, the entry for the group includes a note indicating the unconfirmed status. The RCMG also includes explanatory notes to assist users. The ACMA then reviews and confirms or cancels the unconfirmed entry within 28 days. Similar requirements apply to the removal and alteration of entries.

Unacceptable media diversity situation

An unacceptable media diversity situation will arise if there are fewer than five points in any metropolitan licence area or fewer than four points in any regional licence area. In general, each registrable media group constitutes one point, as does each separate media operation that is not part of a registrable media group.

No new unacceptable media diversity situations arose during the reporting period.

Unacceptable three-way control situation

An unacceptable three-way control situation exists if a person is in a position to exercise control of a commercial television licence, a commercial radio licence and an associated newspaper in the one radio licence area.

At 30 June 2010, there were no licence areas where an unacceptable three-way control situation existed.

New interactive media control database

On 30 March 2010, the ACMA launched its publicly available interactive media control database, available on the ACMA's website. The new public database provides additional information to the information in the RCMG and enables the public to make inquiries about any one of six search categories: state, radio licence area, controller, network, licence and associated newspaper. The database contains collapsible entries which hold further information and hyperlinks from which a person can navigate to new screens.

The database contains the information in the RCMG as well as information about ungrouped or independently owned media operations and a guide to the number of points in each radio licence area. The information in the interactive database and RCMG is based primarily on notifications received from licensees and publishers, and their controllers (see *Notifications of changes in control* and *Annual notifications* below).

Compliance with ownership and control provisions

Notices

Under sections 61AN, 61ANA and 70 of the Broadcasting Services Act, if the ACMA is satisfied that there is an unacceptable media diversity situation or an unacceptable three-way control situation, or that a person is in breach of the ownership and control rules, it may, by notice in writing, direct a person or, in some cases, the licensee, to take action so that the situation ceases to exist or the person is no longer in breach.

No notices were issued during the reporting year.

Notifications of changes in control

Members of the public can find out about changes in ownership and control through the ACMA's media control database, notifications registers and the RCMG. These databases and registers are available on the ACMA's website. Section 63 of the BSA requires each commercial broadcasting licensee and each publisher of an associated newspaper to notify the ACMA when a person has come to be, or ceased to be, in a position to exercise control of the licence or newspaper. The licensee or publisher must do this within five days of becoming aware of the event. Similarly, section 64 of the BSA requires a person who has come into a position to exercise control of a commercial broadcasting licence or an associated newspaper, to notify the ACMA within five days of becoming aware of doing so.

The ACMA received notifications of changes in control relating to 15 events which occurred during the reporting period. Some of these notifications were on behalf of a number of controllers/licensees/publishers and were for a number of licences and/or associated newspapers. Ten change of control events affected commercial radio, five control events affected commercial television and seven control events affected associated newspapers. The ACMA amended the notifications registers and the RCMG to reflect these changes, making the information available publicly.

Annual notifications

By 30 September each year, commercial television and commercial radio licensees, and the publishers of the newspapers listed in the ACMA's Associated Newspaper Register, must provide the ACMA with a list of all persons in a position to exercise control of the licence or newspaper as at 30 June of that year.

The ACMA monitors compliance with this annual reporting requirement and takes enforcement action if it identifies any non-compliance. The licensees of all 320 commercial broadcasting licences and publishers of all 46 associated newspapers were required to provide the ACMA with annual returns by 30 September 2009. For the first time in a number of years, all licensees and publishers lodged their annual returns on time. This result follows significant compliance action in previous years. The information provided in the annual returns is used to monitor the ownership of media operations and is reflected in the media control database and the RCMG.

Enforcement for failure to comply with notification provisions

Under Part 14E of the BSA, an infringement notice officer authorised by the ACMA can issue a formal warning (under section 205XA) and this may be followed by an infringement notice (under section 205Y) where the officer has reasonable grounds to believe that a person has contravened a notification provision (section 62, 63 or 64).

The penalty specified in an infringement notice must be \$6,600 if the addressee of the notice is a commercial television broadcasting licensee, otherwise the penalty specified in a notice must be \$1,100.

There was improved compliance with the change of control notification requirements during the reporting period. Almost all notifications lodged with the ACMA regarding change of control events that occurred in the reporting period were lodged within statutory time limits. During the reporting period, two formal warnings and no infringement notices were given.

Applications for prior approval

During the reporting period, the ACMA approved one application for prior approval under section 67. The transaction did not occur. The application for prior approval was considered within the statutory period.

Directorship breaches

During the reporting period, the ACMA detected that Mr David Evans, at the time a director of Fairfax Media Limited (Fairfax) and Village Roadshow Limited (Village), was in contravention of the rule in paragraph 56(a) of the BSA. The rule prohibits a person from being a director of two companies which between them are in a position to exercise control of more than two commercial radio broadcasting licences in the same licence area. The breach occurred in four licence areas.

Mr Evans resigned as director of the board of Fairfax on 15 November 2009, after the ACMA drew his attention to the breaches.

The breach arose following the purchase by Fairfax of certain Southern Cross Broadcasting commercial radio licences. As part of its notification to the ACMA regarding the purchase, Fairfax failed to provide details to the ACMA of a directorship held by Mr Evans in another media controller, Village. An accurate notification by Fairfax would have highlighted that Mr Evans fell into contravention.

Following inquiries by the ACMA, Fairfax advised that it had implemented new procedures to improve the accuracy of its future notifications to the ACMA about changes in control. During the reporting period, the ACMA enhanced its own IT mechanisms to enable it to more readily identify any director of a licensee or of any of its controller companies who may be in breach of directorship limits.

The ACMA decided to take no further enforcement action in this case, having regard to the particular facts of the matter, Mr Evans' resignation and the new measures put in place by Fairfax.

Provisions of opinions on control

Under section 74 of the BSA, an applicant can request that the ACMA give an opinion on whether a person is in a position to control a licence, a newspaper or a company. The ACMA must provide an opinion within 45 days of receiving the request, otherwise it is taken that the ACMA's opinion accords with the applicant's. This time may be extended if the ACMA requires further information from the applicant. Opinions on control are available on payment of a fee. The ACMA did not receive any requests for such opinions during the reporting period.

Associated Newspaper Register

Under section 59 of the BSA, the ACMA is required to maintain a public register of newspapers that are 'associated' with commercial radio or commercial television broadcasting licence areas.

The Associated Newspaper Register is relevant to determining the composition of registrable media groups and assists the ACMA and industry in monitoring compliance with the media diversity requirements under Division 5A of Part 5 of the Broadcasting Services Act. The register is on the ACMA's website.

During the year, the ACMA conducted a review of the Associated Newspaper Register. As a result of its review, two associated newspapers were removed from the register and one newspaper, already on the register for a commercial radio broadcasting licence area, was recorded in the register as also being associated with a commercial television broadcasting licence area.

Local content Regional television

An additional licence condition for some regional commercial television broadcasting licensees in Queensland, New South Wales and Victoria required them to broadcast minimum amounts of material of local significance (local content) from 1 February 2004. The minimum amounts of local content must comprise at least 720 points per six-week period and a minimum 90 points per week. Points accrue on the basis of two points per minute for local news, and one point per minute for other local content material, excluding paid advertising. This licence condition was imposed by the former Australian Broadcasting Authority in response to community concerns.

This additional television licence condition was imposed on:

- > Seven Qld, Southern Cross and WIN TV in regional Queensland
- > NBN Ltd, Prime Television and Southern Cross in northern New South Wales
- > Prime Television, Southern Cross and WIN TV in southern New South Wales
- > Prime Television, Southern Cross and WIN TV in regional Victoria.

Amendments to the Broadcasting Services Act passed in 2006 required the ACMA to impose a licence condition from 1 January 2008, specifying a minimum level of material of local significance for Tasmanian commercial television broadcasting licensees. This also covered those mainland licensees in regional Queensland, New South Wales and Victoria previously subject to such requirements.

Implementation of this legislative requirement involved the ACMA repealing the Broadcasting Services (Additional Television Licence Condition) Notice 7 April 2003 and imposing two new licence conditions. The Broadcasting Services (Additional Television Licence Condition) Notice 8 November 2007 provides a seamless transition for affected licensees in regional Queensland, New South Wales and Victoria, whose obligations to broadcast material of local significance are essentially unchanged. It also extends these obligations to the two main Tasmanian commercial television broadcasting licensees, Southern Cross and WIN.

The Broadcasting Services (Additional Television Licence Condition—Digital Mode Transmission) Notice 8 November 2007 provides an alternative treatment for Tasmanian Digital Television (a digital-only service), for a limited period, before it is subject to the same requirements as other affected licensees.

Tasmanian Digital Television is required to accumulate a minimum level of points for material of local significance (only 120 points in a calendar year), which is lower than for other affected licensees. This alternative treatment will apply for up to five years, as an interim measure pending the switch-off of analog television services in Tasmania.

For all three commercial television broadcasting licensees in Tasmania, the 'local area' is defined by these new licence conditions to be the Tasmania licence area.

Based on figures provided to the ACMA by the licensees subject to the condition under a self-reporting scheme, all licensees met the quota requirements for the 2009 calendar year.

Regional radio

Local content—all regional commercial radio broadcasting licensees

Under the Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Material of Local Significance) Notice 19 December 2007 (Local Content Licence Condition), which commenced on 1 January 2008, all regional commercial radio licensees must broadcast material of local significance between 5.00 am and 8.00 pm on business days in the following amounts:

- > five minutes for remote area service licences and racing service licences
- > 30 minutes for section 40 and small licences
- > three hours for other regional commercial radio licences.

Annual reports on compliance with the Local Content Licence Condition are due by 30 September each year.

According to licensees' inaugural annual reports for the period from 1 July 2008 to 30 June 2009, all regional commercial radio broadcasting licensees broadcast the required amount of material of local significance, with the exception of one licensee. The licensee's radio station was off the air during the period due to technical issues.

Trigger-event related local content and local presence obligations

Since April 2007, licences affected by a trigger event (as defined in the Broadcasting Services Act) are required to comply with the Broadcasting Services (Additional Regional Commercial Radio Licence Condition – Local Presence) Notice 22 March 2007, and with statutory minimum service standards for local news and information. Draft local content plans must be given to the ACMA within 90 days of a trigger event and annual compliance reports within three months of the end of the financial year. Local content plans approved by the ACMA are kept on an electronic register available on the ACMA's website. There were 89 licensees affected by trigger events to 30 June 2010.

A trigger event is:

- > the transfer of a regional commercial radio broadcasting licence
- > the formation of a new registrable media group where a regional commercial radio broadcasting licence is in the group
- > a change of controller of a registrable media group where a regional commercial radio broadcasting licence is in the group.

Annual local content plan compliance reports and annual compliance reports under the local presence licence condition are due by 30 September each year.

The ACMA's compliance strategy is based on mandatory reporting, sample audits of compliance and complaints. As the electronic register of approved local content plans is available on the ACMA's website, performance against obligations is transparent, enabling the public as well as the ACMA to consider compliance issues.

The ACMA received three complaints concerning local content obligations in the reporting period. The complaints related to the local content claimed by three regional radio broadcasting services—2HC Coffs Harbour, 2EL Orange and 2PM Port Macquarie—all part of the Super Radio Network. The ACMA's investigations into these complaints found that each of the three radio services failed to broadcast the required minimum levels of local content on 8 September 2009. The ACMA issued remedial directions to the three licensees.

Broadcasting Financial Results

The ACMA requests commercial television and commercial radio licensees to submit details of their financial performance each year. Licensees provide information on revenue, expenses, profits, assets and liabilities for each of their broadcasting services. The information has been aggregated and published as *Broadcasting Financial Results* (BFR) since 1987–88.

Details on the 2007–08 financial performance of the 273 commercial radio and 55 commercial television licensees in metropolitan and regional Australia were released in May 2010 and published in *Broadcasting Financial Results 2007–08*.

Details on the 2008–09 financial performance of the 273 commercial radio and 55 commercial television licensees in metropolitan and regional Australia were released in July 2010 and are available in *Broadcasting Financial Results 2008–09*.

Financial results previously provided up to 2006–07 had merged data for television networks and their affiliates. From the financial year 2007–08 onwards, these will appear as separate categories where available.

Production of the BFRs is a discretionary activity and is not required by law. During the reporting period, the ACMA undertook a comprehensive review to consider the continued utility of producing the BFR and consulted with a number of users of the publication. Production of the BFR was put on hold pending the outcome of the review.

As a result of the review, the ACMA decided that it would continue to produce the BFR for the present, as the feedback confirmed that, although it imposed some resource overheads on the organisation, the BFR was a valuable source of information on the financial performance of the broadcasting industry for the media industry, government and other stakeholders and users of the information.

Digital broadcasting

Digital television

On 19 October 2008, the minister released a timetable for the switchover to digital television. The first area where analog free-to-air television signals were to be switched off was the Mildura/Sunraysia licence area in north-west Victoria, in the first half of 2010. Accordingly, analog transmission ended in this area on 30 June 2010. The rest of Australia is to follow a rolling timetable with the last areas to be switched off by 31 December 2013.

The completion of switchover will mean the end of all free-to-air national and commercial analog television broadcasting. The transition to digital means viewers will need to use digital receiving equipment to receive free-to-air broadcast television. As the regulator responsible for spectrum management and broadcasting, the ACMA has a number of responsibilities related to the digital switchover. The ACMA worked closely with the Digital Switchover Taskforce and related areas of the Department of Broadband, Communications and the Digital Economy (DBCDE) during 2009–10, providing technical and regulatory advice and information on television coverage.

The ACMA also has regulatory responsibilities relating to the roll-out of commercial television broadcasting services in digital mode in remote licence areas. In 2009–10, the ACMA determined the digital television commencement date for the final three remote licence areas in Western Australia. The digital television commencement date marks the start of the simulcast period in a licence area. In 2009–10, the ACMA also allocated two digital-only commercial television broadcasting licences in remote central and eastern Australia.

In May 2010, the ACMA authorised trials of high definition 3D television services in Sydney, Newcastle, Wollongong, Melbourne, Brisbane, Adelaide and Perth. These short-term trials were conducted by the Nine Network and SBS, using currently unassigned digital television channels.

For information about standards and codes for digital television, electronic program guides and the digital television parental lock standard, see page 76.

Television channel planning

In early 2010, following negotiations with the government, regional broadcasters committed to rolling out additional digital transmitters to fill in coverage gaps and to convert to digital around 100 analog retransmission facilities licensed to third parties, such as local councils. The ACMA planned channels and issued licences for the first of these in the Mildura/Sunraysia licence area. This enabled regional broadcasters to convert the analog Underbool retransmission facility to digital and install additional transmitters at Ouyen and Robinvale. Planning also commenced for a further six retransmission conversions and 10 additional transmitters in the regional Victoria licence area.

The ACMA also continued to provide technical advice to support the government's consideration of matters relating to digital switchover and realising the digital dividend spectrum which will become available as a result of the switch-off of analog television.

Signal measurement and field analysis

A multifaceted television coverage evaluation program (CEP) continued in 2009–10. This program contributes to identifying transmission infrastructure issues that would otherwise prevent the transmission of digital television broadcasting from achieving a number of policy objectives outlined under Part 2 of Schedule 4 of the Broadcasting Services Act. As part of the planning process, the ACMA requires broadcasters to identify any potential transmission issues that may need to be addressed in order to comply with obligations relating to the stated conversion objectives. The ACMA also has regular and ongoing dialogue with engineers from the commercial and national broadcasters and their infrastructure providers in various professional forums.

The ACMA has an active measurement program to support the CEP. The measurement program has the capacity to identify coverage issues including areas where potential reception difficulties may be experienced. As at 30 June 2010, the ACMA has taken more than 52,000 measurements at approximately 12,000 sites across Australia. These measurements will provide detailed information about the performance of digital television under a variety of conditions and will go in part to informing various government administered programs and initiatives relating to digital television.

Information from the CEP will help to inform implementation of the Viewer Access Satellite Television Service, including access and subsidy arrangements for those households unable to receive terrestrial digital television. The CEP also provides information critical to the Local Information Finder for Digital Television, which is intended to enable households to enquire about their ability to receive digital terrestrial television as well as informing various assistance schemes related to the implementation of digital television.

The ACMA has reported on areas with potential reception difficulties as part of the government's statutory reporting on digital television coverage, and will continue to report specific areas of deficient reception identified through the CEP and associated measurement program. This reporting also includes information on the submission of broadcaster implementation plans and rollout of digital services.

Report on digital television transmission and reception

The ACMA contributes to reports tabled by the minister as required under cl. 5H of Schedule 4 of the BSA which states:

On the first sitting day of each House of the Parliament after each 1 January, 1 April, 1 July and 1 October from 1 April 2009 until 1 September 2014, the minister must cause a report to be laid before each House of the Parliament containing the following information:

- (a) action taken to identify and rectify transmission infrastructure that would otherwise prevent the transmission of free to air television broadcasting services in SDTV digital mode in any area achieving the same level of coverage and potential reception quality as was achieved by the transmission of those services in analogue mode; and
- (b) the local market areas and regions where transmission issues have been identified and how many households will be affected.

The ACMA contributed to four reports in the 2009–10 financial year. The reports were tabled in Parliament on 11 August and 19 October 2009, and 2 February and 11 May 2010. Subsequent contributions will be provided in accordance with timeframes established between the DBCDE and the ACMA. Reports relating to digital television transmission and reception required under cl. 5H can be found on the DBCDE website at www.dbcde.gov.au/television/digital_television_switchover/reports_on_digital_television_transmission_and_reception.

Digital television remote licence areas **Digital television commencement dates in remote Western Australian licence areas**

The ACMA is required, under s. 138 of the *Commercial Television Conversion Scheme 1999*, to determine the date, for remote licence areas, by which each commercial television broadcasting licence holder for the remote licence area is required to commence transmitting their commercial television broadcasting service in standard definition television (SDTV) digital mode in that licence area (the digital television commencement date).

In 2009–10, the ACMA determined that the digital television commencement dates for each of the following remote Western Australian licence areas would be 10 June 2010:

- > Geraldton TV1
- > Kalgoorlie TV1
- > Western Zone TV1.

Allocation of additional ‘digital only’ commercial television broadcasting licences in remote central and eastern Australian licence areas

Under s. 38B of the BSA, the ACMA may allocate additional commercial television broadcasting licences in markets that have only two existing commercial television broadcasting licences in force. A commercial television broadcasting licence that is allocated under section 38B (a section 38B licence) may only provide a commercial television broadcasting service in digital mode.

In 2009–10, the ACMA allocated one section 38B licence to each of the following remote central and eastern Australian licence areas:

- > Remote Central and Eastern Australia TV2
- > Mt Isa TV1.

Digital radio **Introduction of DAB+ digital radio**

Digital radio services using the DAB+ standard officially commenced in Adelaide, Brisbane, Melbourne, Perth and Sydney on 1 July 2009. From this date, commercial and national radio broadcasters began digital radio transmissions. Designated community radio broadcasters in these areas are also eligible to begin digital broadcasting, but have not yet started.

In order to support the minister's review of digital radio technologies suitable for regional areas, under section 215A of the Broadcasting Services Act, the ACMA has undertaken work regarding spectrum availability for regional digital radio. The ACMA has also authorised digital radio trials in Canberra and Darwin.

Spectrum planning

The ACMA plans and manages the radiofrequency spectrum in Australia. It is responsible for compliance with licensing requirements and investigating complaints of interference to services. The scope of the ACMA's role includes spectrum planning, apparatus licensing, class licensing, spectrum licensing, auctions and trading, and satellite communications and space systems regulation.

As in many other countries, Australia must increasingly address the balance between growing demands for access to spectrum by new technologies and uses and the legitimate requirements of existing users for ongoing use of spectrum. It must also address the balance between government use of the spectrum and its availability for use by the broader community. The ACMA continues to work to balance the competing demands of such new uses, and those of the defence and essential services sectors, with the broader community requirements for access to spectrum.

In 2009–10, the ACMA announced a number of proposals for future spectrum arrangements. A key development was in the 400 MHz band, including a harmonised band for government use and measures to allow more efficient use of this spectrum. Another key activity was the publication of a discussion paper on the review of the 2.5 GHz band.

In 2009–10, the ACMA continued a number of initiatives to promote increased consultation, transparency and accountability in its radiofrequency spectrum planning and management. These initiatives included:

- > the release of the *Five-year Spectrum Outlook 2010–2014*
- > the release of the discussion paper: *Review of the 2.5 GHz band and long-term arrangements for ENG*
- > the release of a number of discussion papers focused on emerging technologies, including intelligent transport systems (ITS) and ultra wide-band (UWB) applications
- > the establishment of a smart infrastructure project team to work with industry to identify the spectrum needs of various smart infrastructure technologies and applications
- > the continued use of the Principles for Spectrum Management in its management of the radiofrequency spectrum
- > a review of the operation of the Radiocommunications Consultative Committee.

Radiocommunications

Stakeholder engagement Radiocommunications Consultative Committee (RCC)

The RCC met in July 2009 when members were invited to comment on the structure, membership and other relevant matters of process undertaken by the committee. Following the responses from members, options to refine the role, purpose and direction of the RCC were developed and are currently under consideration.

The RCC was established in November 2007 to facilitate high-level consultation between the ACMA and industry on major domestic and international radiocommunications issues.

RadComms2010

The ACMA successfully hosted its fourth national conference on spectrum management, *RadComms2010*, in Melbourne on 5 and 6 May 2010. The theme for this year's conference was *Spectrum, powering a mobile world*.

The two-day event attracted over 240 radiocommunications professionals from across industry and government.



Minister for Broadband, Communications and the Digital Economy, the Hon. Senator Stephen Conroy, addressing radiocommunications professionals at *RadComms2010*, Melbourne, 5 May 2010.

RadComms2010 presented delegates with an opportunity to hear the latest spectrum developments, participate in open forums and exchange ideas with radiocommunications professionals from across industry and government. A variety of government and industry professionals discussed a wide range of topics on contemporary and evolving spectrum developments and how the future will impact on spectrum management.

Spectrum Tune-ups

The ACMA has also undertaken one-day Spectrum Tune-ups between its annual RadComms conferences to provide more focused interaction with industry on specific topics of interest.

In 2009–10, the ACMA held two Spectrum Tune-ups—the first on 18 November 2009 in Melbourne and the second on 5 March 2010 in Canberra. Both covered specific radiocommunication sector interests and received a positive response from participants.

The major topics covered included:

- > Intelligent Transport Systems (ITS)
- > 400 MHz issues
- > 2.5 GHz issues
- > Electronic news gathering (ENG).

Stakeholder workshop on the proposed field trial of mobile phone jammers at Lithgow Correctional Centre

As part of the review of the Mobile Phone Jammer Prohibition, the ACMA has indicated that it is predisposed to a trial of mobile phone jammers at Lithgow Correctional Centre. The workshop held on 19 April 2010 provided stakeholders with an opportunity to freely exchange ideas of mutual interest between the ACMA, NSW Department of Correctional Services (DCS), Kordia (the project manager for the proposed trial), the mobile carrier industry and other interested parties (see also p.48).

International activities

The ACMA participated in national, regional and international radiocommunications meetings to prepare for the International Telecommunication Union (ITU) World Radiocommunication Conference 2012 (WRC-12). WRCs are held approximately every three to four years to review and amend the ITU Radio Regulations. This year, the ACMA has focused on Australia's participation in Asia-Pacific regional preparation and the work undertaken in the ITU Radiocommunication Sector Study Groups for WRC-12.

Australia was represented at the third of five meetings of the Asia-Pacific Telecommunity (APT) to prepare for WRC-12 (APG2012-3) held in Bangkok, Thailand from 8–12 March 2010. Nineteen Australian delegates from government and industry organisations participated at APG2012-3, with five ACMA representatives including the Head and Deputy Head of Delegation. At the meeting, Australia was able to foster greater involvement with other Asia-Pacific administrations in the activities of the APT Preparatory Group. Australia was successful in developing harmonised regional views generally consistent with the Australian preliminary views on WRC-12 agenda items. The presence of the Australian delegation was instrumental in achieving this outcome in addition to canvassing the ACMA's views on matters relating to WRC-12 with other regional administrations.

The ACMA led Australian delegations to two meetings of the Asia-Pacific Telecommunity Wireless Forum (AWF) held in Phuket, Thailand from 23–26 September 2009 and Tokyo, Japan from 29 March to 1 April 2010. The objectives of the AWF include developing cost effective and timely radiocommunications solutions, the transfer of information on radio technologies and harmonisation of spectrum usage in the Asia-Pacific region. At both meetings, Australia took a lead role in establishing and progressing work on harmonised arrangements to realise maximum benefit from the future use of digital dividend spectrum as it becomes available in the region.

Australian participation in ITU Radiocommunication Study Groups is assisted through the Australian Radiocommunications Study Groups (ARSGs). The ARSGs develop inputs to the ITU-R Study Group process and provide advice to the ACMA on international radiocommunications issues associated with WRC-12. During 2009–10, 51 Australian delegates participated in 34 meetings of ITU study groups, working parties and joint task groups, where 25 Australian contributions were presented.

Outcomes and performance information

In keeping with Program 1.1: Communications regulation, planning and licensing, the ACMA released the *Five-year Spectrum Outlook 2010–2014* on 31 March 2010. It is a living document and is open to industry comment at all times. The ACMA will review and update the Outlook annually so that it reflects current demands and priorities.

Five-year Spectrum Outlook 2010–2014

Demand for spectrum by fixed and mobile wireless access service applications is the focus of the revised *Five-year Spectrum Outlook 2010–2014*. The Outlook continues to not only outline the different types of radiocommunications services available, but also considers issues affecting those services and the ACMA's proposed strategic approach to addressing potential issues over the next five years.

A significant change in this edition of the Outlook is the inclusion of the more explicit evidence-informed approach analysing demand for spectrum. The Outlook illustrates how evidence, either through industry input or other means, plays a key role in informing the direction of spectrum allocations. Figure 4 provides an illustration of how evidence informs the Outlook.

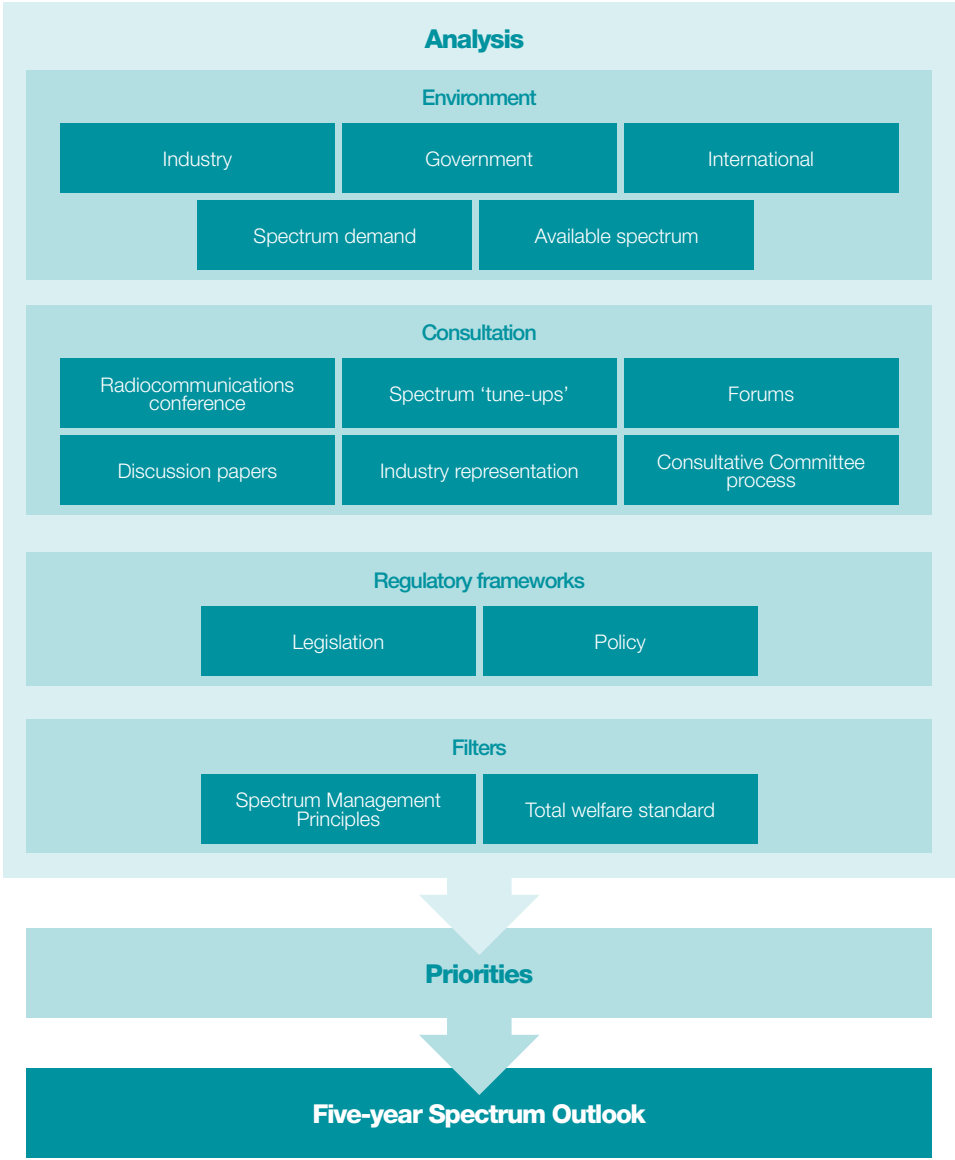
Australia's Frequency Audit Table has also been revised and is attached to the Outlook to provide a band-by-band overview of current regulatory provisions, use of the radiofrequency spectrum, and a summary of those key issues covered in the Outlook itself.

The Outlook fulfils the ACMA's commitment to:

- > providing a useful summary of important spectrum management policies and priorities
- > providing greater insight and transparency for industry stakeholders
- > facilitating discussion between the ACMA and stakeholders.

The Outlook also contains the ACMA's indicative spectrum management work programs for the next five years.

Figure 4: How evidence informs the *Five-year Spectrum Outlook*



Case study

The way ahead: 400 MHz review

Since 2008, the ACMA has been reviewing use of the frequency range 403–520 MHz (the 400 MHz band). This band is used heavily by land mobile, fixed, radiolocation and amateur services.

The review was initially driven by congestion experienced in the band and a need to accommodate future and emerging technologies. The ACMA also identified an opportunity to transform essential and emergency service interoperability and to harmonise government spectrum use in the band.

Objectives

The broad objectives of the review of the 400 MHz band are to implement measures to:

- > improve government spectrum harmonisation to facilitate more efficient government networks and improved interoperability
- > improve the efficiency with which the band is allocated and used
- > facilitate new technologies and complementary uses
- > minimise the need for ongoing intervention in the band by the ACMA.

Stakeholder engagement

The ACMA has consulted extensively during the review, including several ACMA and external conferences. Engagement will continue with the 400 MHz Road Show, visiting nine cities in July 2010.

Outcomes

In April 2010, the ACMA released a paper summarising its decisions on the future use of the 400 MHz band. A key achievement resulting from the review is providing harmonised spectrum for government use.

The arrangements put forward are likely to encourage a new era in government radio, with the emergence of large, efficient networks providing greater support for emergency services than is currently the case. The new arrangements create a significant and rarely delivered opportunity for government organisations to develop nationally harmonised and interoperable systems of government radio networks able to deliver effective radiocommunications on a national scale.

The ACMA developed these arrangements in close consultation with individuals, relevant committees and peak industry groups. The final arrangements complement the objectives developed by these groups and the National Framework for Improved Radiocommunications Interoperability agreed by the Council of Australian Governments (COAG).

Another key outcome is an increase in technology options supported in the band. Changing arrangements in the 450–470 MHz band opens up options for technologies that were not supported under previous arrangements, such as TETRA and NXDN.

Further to this, the ACMA is reforming arrangements for the UHF citizen band, increasing the number of channels available and reducing bandwidth. This will improve the utility of the band, while balancing future flexibility against the impact on existing users of this service.

The ACMA acknowledges that transitioning to the new arrangements will be challenging for many users. However, the ACMA believes that the final outcomes minimise the impact on existing users while achieving the review objectives of government spectrum harmonisation, increased technology flexibility and greater efficiency of allocation and use. Furthermore, once transition is achieved, the need for further ACMA intervention in the band will be minimal.

Wireless access services

The ACMA's extensive analysis and consultation process on wireless access services (WAS) culminated in the identification and implementation of its WAS strategy.

The key outcomes of the WAS strategy are:

- > to review the planning and licensing arrangements for spectrum in the 2.5 GHz (2500–2690 MHz) band
 - > to develop an early solution for broadband wireless access users in regional areas using spectrum in the 3.6 GHz (3575–3700 MHz) band, acknowledging that there will be a need to appropriately address the interests of incumbent users of that band.
- > shared use of the bands 2025–2110 MHz and 2200–2300 MHz
 - > exclusive use of the band 2010–2025 MHz
 - > ENG access to 1980–2010 MHz and 2170–2200 MHz, with the caveat that mobile-satellite services may be introduced in these bands in the future
 - > ENG access Australia wide to 2570–2620 MHz (part of the 2.5 GHz band).

Review of 2.5 GHz arrangements

The ACMA is undertaking a review of the pricing, planning and licensing arrangements in the 2.5 GHz band. The review has two objectives:

- > to identify how the 2.5 GHz band should be planned and allocated so that it accords with its highest value use to maximise the overall benefit from its use
- > to deliver suitable long term arrangements for incumbent electronic news gathering (ENG) services.

These long term arrangements might be in the 2.5 GHz band, in other bands, or in combinations of bands.

On 12 January 2010, the ACMA released the discussion paper *Review of the 2.5 GHz band and long-term arrangements for ENG*. The paper sets out the ACMA's preliminary view that ENG services could continue to operate in a part of the 2.5 GHz band. The remainder of the band would be made available for wireless access services via spectrum licensing in major metropolitan areas and may be available for both ENG and wireless access services in other areas.

If some ENG services do move from the 2.5 GHz band, additional spectrum in other bands will be required for these services to continue to operate. The discussion paper identified several bands the ACMA believes might be suitable for these services:

- > shared use of the bands 2025–2110 MHz and 2200–2300 MHz
- > exclusive use of the band 2010–2025 MHz
- > ENG access to 1980–2010 MHz and 2170–2200 MHz, with the caveat that mobile-satellite services may be introduced in these bands in the future
- > ENG access Australia wide to 2570–2620 MHz (part of the 2.5 GHz band).

In some cases, other users might be required to relocate from these alternative bands, in which case the ACMA would work with them to identify other suitable spectrum.

The ACMA is continuing its analysis of submissions received in response to the discussion paper.

Release of the 3.6 GHz in regional and remote areas of Australia

The ACMA decided to make the 3.6 GHz band (3575–3700 MHz) available for wireless access services (WAS) in areas of regional and remote Australia because:

- > the band provides opportunity for both large and small operators to deploy services in a specific area or areas
- > the band has been identified as a WiMAX profile band and allocated in several other countries, thus providing for equipment availability and economies of scale.

The ACMA consulted extensively in 2009 on the proposed release of the 3.6 GHz band (3575–3700 MHz) for wireless access services (WAS) in areas of regional and remote Australia. Analysis of the submissions received resulted in the release of up to 125 MHz of spectrum, suitable for WAS, via a phased administrative allocation approach in defined geographic areas.

The ACMA released Area 1, covering parts of south-east South Australia, Victoria, Tasmania and southern New South Wales, in November 2009. One hundred and thirteen applications were received and 107 apparatus licences were issued. The total revenue for Area 1 was \$180,529.

Area 2, covering parts of Queensland and northern New South Wales was released in March 2010. Fifty-four applications were received and 31 licences have been issued to date. Accredited persons are currently finalising assessment of the remaining applications. The total revenue for Area 2 was \$60,846.

Area 3, covering parts of Western Australia, Northern Territory and northern South Australia, is expected to be released in July 2010.

A number of geographic areas were also identified for allocation via a price-based mechanism, or auction. The ACMA is developing a regulatory framework to support the allocation of apparatus licences in these areas and licences are expected to be allocated in 2010–11.

Review of the Mobile Phone Jammer Prohibition

Mobile phone jammers are radiocommunications transmitters designed to deliberately interfere with radiocommunications services, including services operated by mobile carriers. While jammers have been typically used to disable communication to and from mobile phones, jammers may also potentially disable or disrupt services using spectrum bands adjacent to spectrum used for mobile phone services.

The use, possession and operation of mobile phone jammers was prohibited in 1999 by the Australian Communications Authority (ACA) on the basis that such devices were ‘nuisance’ devices for which there was no legitimate use. The Mobile Phone Jammer Prohibition prohibits the operation or supply, or possession for the purpose of operation or supply, of a device designed to operate within the frequency bands 870–960 MHz or 825–845 MHz and to interfere with radiocommunications or disrupt or disturb radiocommunications.¹

Since 1999, a number of activities have been identified where the use of mobile phone jammers may, on balance, be justified on public interest grounds. This includes employing jammers to prevent the use of mobile phones in correctional facilities and to facilitate certain communications systems (for example, when used as part of an on-board mobile communications system deployed on aircraft).

In January 2010, the ACMA announced the review of the regulatory arrangements that apply to mobile phone jammers. As part of the review, the ACMA released a public discussion paper on the scope and application of the Mobile Phone Jammer Prohibition and the regulation of mobile phone jammers in general. The paper also sought feedback on the proposed trial of jammers at the Lithgow Correctional Centre.

The ACMA intends to have revised regulatory arrangements for jammers in place by the end of 2010.

Proposed mobile phone jammer trial at Lithgow Correctional Centre

In 2009, the Corrective Services Administrators Council (CSAC) lodged a submission with the ACMA that set out:

- > the extent to which mobile phones are illegally used by inmates
- > the steps that had already been taken to prevent or minimise the illegal use of mobile phones by inmates
- > the public benefits that could be expected if the deployment of mobile phone jammers in correctional facilities was permitted.

As a consequence of the CSAC submission, the ACMA is considering an exemption from the Mobile Phone Jammer Prohibition for the New South Wales Department of Corrective Services (NSW DCS) to operate a mobile phone jammer trial at the Lithgow Correctional Centre in regional New South Wales. In its discussion paper the ACMA gave ‘in-principle’ agreement to the trial.

¹ Notification that the Australian Communications and Media Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices (the Mobile Phone Jammer Prohibition).

In April 2010, the ACMA held a workshop in Sydney to promote discussion between correctional facilities officers and mobile carriers about how best to address the policy, regulatory and technical considerations relevant to the proposed Lithgow trial. Close consultation between NSW DCS and mobile phone carriers will be a significant element in the development of workable technical and regulatory frameworks to enable the trial. Regulatory arrangements to facilitate the trial are expected to be finalised in August 2010.

Exemption for Australian police for electronic counter measures

Electronic counter measure (ECM) devices are used by law enforcement agencies in responding to potential threats to public safety. ECM devices work to ensure the safety of response teams and the general public.

Licensing of ECM devices is difficult due to the high interference potential of the devices. Furthermore, the use of certain ECM devices is expressly prohibited because of the Mobile Phone Jammer Prohibition made under subsection 190(1) of the *Radiocommunications Act 1992* (the *Radiocommunications Act*).²

To permit the importation, possession, supply, transport and use of ECM devices by Australian police the ACMA made the:

- > Radiocommunications (Prohibited Devices) (Use of Electronic Counter Measures for Bomb Disposal Activities) Exemption Determination 2010 (the Exemption Determination)
- > Radiocommunications Advisory Guidelines (Use of Electronic Counter Measures for Bomb Disposal Activities) 2010 (the Advisory Guidelines).

The Exemption Determination, made under section 27 of the *Radiocommunications Act*, extends to all three parts of the *Radiocommunications Act* from which it is possible to provide an exemption, namely: Parts 3.1 (Unlicensed radiocommunications), 4.1 (Standards and other technical regulation) and 4.2 (Offences relating to radio emission).

The application of the exemption is expressly limited to trained and authorised personnel operating in specified circumstances.

The Advisory Guidelines, made under section 262 of the *Radiocommunications Act*, provide additional information and guidance by further explaining the requirements set out in the Exemption Determination. The Advisory Guidelines uniformly apply to all exempted parties and focus upon non-emergency deployment and use of ECM devices.

The ACMA consulted extensively with law enforcement agencies and mobile telecommunications carriers in order to develop appropriate regulatory arrangements. The draft exemption determination and associated advisory guidelines were released for targeted consultation with the Communications and Security Enforcement Roundtable (CSER) Working Group and selected spectrum users.³

Space regulation

The ACMA has responsibility for fulfilling Australia's obligations as a member of the International Telecommunication Union (ITU). In relation to regulation of space activities, the ACMA supports the filing of Australian satellite networks with the ITU and actively works with prospective satellite operators in meeting these obligations. In addition to filing satellite networks, the ACMA provides the interface with other ITU administrations in coordinating Australia's satellite spectrum requirements. The ACMA did not submit any filings for new satellite networks in the reporting period.

The ACMA made 174 assessments of publications in the reporting period relating to proposed foreign satellite networks, initiating coordination processes (where necessary) with foreign administrations concerning their proposed satellite networks with Australian spectrum requirements and responding to their reciprocal requests of Australia. This role assists in protecting Australian interests and maximising the benefits of spectrum/orbital resources through working cooperatively with other ITU Member Administrations.

2 While the Mobile Phone Jammer Prohibition prohibits the use of certain ECM devices (which operate as jammers), the use of an ECM device in an emergency would be permitted under the *Radiocommunications Act*.

3 As identified by the Attorney-General's Department's Critical Infrastructure Branch via the Trusted Information Sharing Network.

The ACMA also provides ongoing advice to Australian government agencies and the Australian space community on space radiocommunications. During the reporting period, the ACMA provided advice on:

- > activities of the European Space Agency
- > regulatory matters for Australian satellite operators and the radiofrequency community.

Review of satellite regulation practices and processes

The Radio Regulations of the ITU require its members to be mindful that radio frequencies and satellite orbits are limited natural resources and must be used rationally, efficiently and economically.

To identify potential areas for improvement and to ensure compliance with the regulations, the ACMA has been reviewing internally its practices and processes relating to the filing and coordination of satellite networks (the filing function).

The aim of the review is to refine satellite regulatory practices and processes to support the development and provision of satellite services in and for Australia, in a way that optimises the effective, efficient and equitable assignment and use of an increasingly internationally exploited public resource.

The review has examined:

- > the status of the filing function under the ACMA Act
- > the criteria against which the ACMA assesses requests from satellite operators to file details of a proposed satellite network with the ITU
- > the documentation and management of the relationship between the ACMA and satellite operators, including improved performance monitoring and management
- > the regime of fees and charges currently applied to services to support the operation of Australian satellite networks.

The ACMA intends to undertake public consultation regarding this review in 2010.

Radiocommunications research and analysis

As part of its mandate to maximise the overall public benefit derived from use of spectrum, the ACMA continuously looks for ways that it can improve the management and use of spectrum in Australia.

The ACMA has been examining the current spectrum management framework with a view to identifying potential options for improving its efficiency, effectiveness and transparency. This has included:

- > analysing trends in spectrum holdings to identify areas of future demand and congestion
- > exploring the merits of various spectrum access arrangements, including potential models for private band management
- > assessing the ACMA's spectrum planning and frequency assignment policies and practices to identify any restrictions that may result in inefficient spectrum use, both now and in the future
- > researching trends in spectrum management and examining how other spectrum regulators are approaching challenges such as increasing spectrum demand, convergence, and facilitation of greater spectrum sharing.

Allocation and licensing

Market-based resource management

Market-based resource management makes a significant contribution to the efficiency of the communications sector. In particular, it contributes to the efficient planning, allocation and use of national resources such as radiofrequency spectrum and **smartnumbers**[®] (freephone and local rate telecommunication numbers).

Public benefit will generally be maximised where resources are allocated to their highest value use or uses, that is, the use or uses that maximise the value derived from the resource by licensees, consumers and the wider community. Market-based approaches such as auctions and opportunity cost pricing are generally accepted as normally being the most efficient means of allocating scarce resource to their highest valued use or uses. The ACMA uses market-based approaches to resource management to maximise the efficient allocation and use of resources. In turn, this maximises opportunities for current and future licensees.

Auctions are used to allocate all **smartnumbers**[®], as well as spectrum in bands and areas where demand exceeds supply. The ACMA supports a secondary market for trading of spectrum and **smartnumbers**[®] to reallocate resources to higher value uses when market values change after the initial allocation by the ACMA. This secondary market supports a dynamic communications sector and helps enable industry to meet the continually changing communications needs of the community. Opportunity cost pricing is an administrative allocation method that aims to mimic the efficiency properties of auctions and is often used when auctions are not appropriate.

Radiocommunications licensing

Apparatus licensing

New licences

Apparatus licences can be issued for any period ranging from one day up to a maximum of five years. The majority of licences are for one year with annual renewals thereafter.

The ACMA issues some apparatus licences that require frequency assignment coordination (assigned licences) and other apparatus licences where no frequency assignment coordination is required (non-assigned licences).

The ACMA's key performance indicator (KPI) for the issue of licence applications requiring frequency assignment by the ACMA is to have completed 70 per cent of applications within 70 days of receipt. For licence applications not requiring frequency assignment, the ACMA has established a KPI of completion of 100 per cent of applications within 14 days of receipt.

During 2009–10, the ACMA exceeded the KPIs for licences requiring frequency assignment with 94.3 per cent of applications being completed within 70 days. The ACMA was slightly under the KPIs for licences not requiring frequency assignment with 99.6 per cent of all applications completed within 14 days of receipt. Those applications which were not completed within KPIs resulted from a small number requiring more complex assessment.

In 2009–10, a total of 11,259 new apparatus licences were issued, bringing the number of current licences at 30 June 2010 to 157,330 (see Table 46 in Appendix 5). During the reporting period, 144,195 licences were renewed or carried over as multi-year licences. There are currently 6,954 multi-year licences issued. The number of new licences issued for each of the last three years has grown from 10,038 in 2007–08, to 11,235 in 2008–09 and to 11,259 in 2009–10. Over the same period, the annual number of apparatus licences issued has averaged 10,844.

A total of \$156.5 million in licence tax and charges revenue was received in 2009–10 (see Table 2).

Price-based apparatus licence allocations

Low power open narrowcasting licences

Every three months, the ACMA offers to allocate low power open narrowcasting (LPON) licences and holds auctions where there are competing applications. LPON licences allow for the provision of niche radio services, such as tourist radio and racing information, or ethnic and religious programming. They operate at very low power outputs and serve relatively small areas. During 2009–10, the ACMA allocated an additional 64 LPON licences, raising revenue of \$19,500.

Public mobile telecommunications services

In 2009–10, the ACMA consulted on arrangements to facilitate access to spectrum in the paired frequency bands 1920–1980 MHz and 2110–2170 MHz (the 2 GHz band) in regional and remote areas of Australia for mobile telecommunications services.

The ACMA released spectrum in the 2 GHz band in May 2010 for allocation via an administrative allocation process. Under this process, the ACMA determined the window in which applicants could apply for licences and indicated it would assess applications in order of receipt.

The ACMA received applications for the 2 GHz band at 2,784 sites in regional and rural Australia. Assessment of applications is ongoing and the ACMA anticipates issuing licences early in 2010–11.

Radiocommunications licensing arrangements for mobile communication services on aircraft

In November 2009, the ACMA released a discussion paper seeking public comment on proposed regulatory arrangements to facilitate mobile communication services on aircraft. The proposed arrangements consisted of amendments to several subordinate legislative instruments. The ACMA also undertook further consultation with key submitters to address particular issues raised in submissions.

On 10 June 2010, the ACMA approved regulatory arrangements for mobile communication services on aircraft. The new regulatory arrangements comprise:

- > a new apparatus licence type (a PMTS Class C licence) for onboard systems
- > amendments to a class licence to permit the use of user devices (for example, handsets) onboard an aircraft

The new arrangements apply only in areas which are not spectrum licensed. In spectrum licensed areas, mobile communication services on aircraft may only be operated under agreement with the relevant spectrum licence holder.

Table 2: Radiocommunications apparatus licences, 30 June 2010

Type of licence	Revenue 2009–10 \$million
<i>Assigned licences</i>	
Public telecommunications service	69
Fixed	51.5
Land mobile	19
Satellite*	4.7
Defence	7.9
Other	3.1
Total assigned licences	155.2
<i>Non-assigned licences</i>	1.3
Total	156.5

** Includes earth, space, earth receive and space receive licences.*

Amendments to the Radiocommunications Licence Conditions (PTS Licence Determination 1997 (the Licence Conditions Determination) establish the new conditions that apply to the PMTS Class C licence. Under the Licence Conditions Determination, the operation of an on-board system is subject to the following conditions:

- > the system must be operated at a minimum height of 6,000 metres above ground level, except in specified circumstances such as on-ground operation for testing and maintenance
- > the system must comply with Civil Aviation Safety Regulations.

Individual apparatus licences issued to operators will include special technical conditions relating to specific on-board systems. This approach will provide flexibility for future licensing possibilities in the event that new technology for mobile communication services on aircraft emerges.

The new arrangements do not prescribe or otherwise limit the type of mobile communication service that can be offered using an on-board system. Where there are no interference concerns, the ACMA considers the deployment of specific communication services, including voice calls, to be a commercial decision to be made by service providers and airlines.

Other changes to licensing arrangements

In April 2010, the ACMA released draft instruments for public comment which proposed the removal of all references to the MDS (Multipoint Distribution Station) apparatus licence type from ACMA subordinate legislation. Final amendments to the instruments are to be considered in July 2010.

Spectrum licensing

Spectrum auction capability

In light of the upcoming digital dividend allocation and the number of years since the ACMA last conducted a high-value spectrum auction, a comprehensive review of appropriate auction methods and IT capability is being conducted. The purpose of this review is to ensure appropriate auction capability to enable the ACMA to conduct spectrum auctions as required over the coming years.

Class licensing

Low interference potential devices

Low interference potential devices include a wide range of low power radio transmitters used by the public every day, such as garage door openers, wireless local area networking equipment and wireless identification tags. Operation of these common devices without individual coordination is accomplished through class licensing. The ACMA's class licensing arrangements provide a no-cost-to-the-user authorisation for the operation of such equipment, without the need for issuing individual licences.

The rapid development of radio technology leads to significant numbers of enquiries from equipment importers who seek the inclusion of new equipment items with class licences. However, before the operation of a device can be covered by a class licence, planning studies must be conducted to determine a set of common characteristics to make sure that the operation of these devices represents a low interference risk to existing Australian radiocommunications services.

In June 2010, the ACMA released a draft variation to the Radiocommunications (Low Interference Potential Devices) Class Licence 2000 (the LIPD Class Licence). The draft variations cover:

- > harmonisation of technical limits for indoor transmitters with international requirements
- > arrangements to authorise the use of vehicular radar in the 79 GHz band
- > minor amendments to certain definitions used in the LIPD Class Licence.

The ACMA will consider responses to the release of the draft variation in 2010–11.

Accredited persons scheme

The ACMA accredits appropriately qualified persons to assist radiocommunications licensees. Accredited persons issue frequency assignment certificates for apparatus licences and interference impact certificates for spectrum licences. The number of accredited persons increased during 2009–10 from 67 to 69 (see Table 3).

Table 4 shows the frequency assignments made by accredited persons and the ACMA assigners over the last five years for apparatus licences. The percentage of assignments made by accredited persons increased by six per cent in 2009–10.

Accredited persons register all devices that require authorisation to operate under a spectrum licence, supporting the self-regulatory approach to spectrum management that spectrum licensing was intended to introduce. This approach allows licensees to take responsibility for much of the administration related to their spectrum licences. In 2009–10, accredited persons registered 33,021 devices operated under spectrum licences.

Review of Accredited Persons Scheme

The ACMA is undertaking a review of the Accredited Persons Scheme so that it continues to provide a flexible approach to meeting the needs of spectrum users and delivers appropriate business opportunities to the communications industry. All accredited persons have been consulted during the course of the review. Strategies to improve the scheme and attract additional accredited persons have been identified and are planned to be introduced during 2010–11. A quarterly e-bulletin—*AP Update*—was re-introduced in March 2010 to improve communication with accredited persons and provide timely advice on changes to licence policy and spectrum management arrangements.

Operator examinations

Marine radio operator examination services

The Australian Maritime College in Launceston continued to provide marine radio operator examination services on behalf of the ACMA. The college is also responsible for publishing the textbooks recommended for candidates undertaking examinations for Marine Radio Operators Certificates of Proficiency. The relatively new *Marine VHF Radio Operators Handbook* continued to grow in popularity during 2009–10 at the expense of the more comprehensive *Marine Radio Operator's Handbook* (incorporating information on both HF and VHF).

Table 3: Accredited persons, 30 June 2006 to 30 June 2010

Number of accredited persons	30 June 2006	30 June 2007	30 June 2008	30 June 2009	30 June 2010
	53	57	66	67	69

Table 4: Assignments registered, 2005–06 to 2009–10

	2005–06	2006–07	2007–08	2008–09	2009–10
Frequency assignments registered	8,619	10,395	12,260	11,930	15,434
by accredited persons	60%	66%	66%	68%	74%
Frequency assignments performed	5,635	5,424	6,585	5,642	5,559
by the ACMA	40%	34%	34%	32%	26%

The college is required to report to the ACMA about the marine radio operator examination and certification service by 31 October each year. The report is published on the college website.

The ACMA continued its review of regulatory arrangements for VHF marine radio operator qualifications, which was initiated in early 2009. The review was triggered by concerns expressed to the ACMA by the National Marine Safety Committee about declining standards in VHF radio use, and the need to prepare for expiry of the Australian Maritime College agreement in 2012.

The objectives of the review are:

- > to improve the integrity of the radiocommunications spectrum management framework as it applies to the recreational boating community
- > to examine the needs of the recreational boating community in their use of VHF radio, including for safety purposes, and identify how those needs might best be supported in light of the ACMA's role and responsibilities
- > to promote the overall efficiency of the regulatory framework supporting the operation of marine radio by the recreational boating community.

In September 2009, the ACMA released for public comment the *VHF Marine Radio Operator Qualification Arrangements – Recreational (Non-Commercial) Vessels* discussion paper. This was developed in association with an ACMA working party comprising a range of state and commonwealth government bodies and non-government bodies with an interest in marine safety issues. The aim of the paper was to gather information and views about issues to do with recreational vessels' use of VHF radio and relevant regulatory arrangements.

A total of 69 submissions were received from interested stakeholders. The discussion paper and submissions received are available on the ACMA website. The ACMA continued its information gathering and analysis of submissions and broader issues to do with VHF radio use by recreational boaters over the first half of 2010.

Amateur radio operator examination services

The Wireless Institute of Australia (WIA) has provided examination services to the amateur radio community on behalf of the Australian Government since 1991.

The WIA currently provides amateur examination services and issues amateur certificates of proficiency, as well as administering and making recommendations to the ACMA about amateur call signs.

The ACMA is responsible for issuing and varying amateur transmitter licences.

During 2009–10, the WIA conducted 1,706 amateur examinations. Table 5 details the number of amateur certificates of proficiency issued based on the results of these examinations. Some amateurs may have needed to successfully undertake more than one examination to qualify for the relevant certificate of proficiency.

The WIA also made 1,265 recommendations regarding call sign allocation. The ACMA allocated 1,261 call signs based on these recommendations.

Broadcasting licence area plans and variations

A licence area plan (LAP) relates to broadcasting and is a legislative instrument made up of a determination, schedules and attachments setting out the licence area and the technical specifications for existing and proposed services.

Over the reporting period, the ACMA completed one television LAP variation and 14 variations to radio LAPs (see Table 6).

Table 5: Amateur certificates of proficiency issued, 2009–10

Certificate level	Certificates issued
Foundation	503
Standard	160
Advanced	115
Total	778

Table 6: Variations to licence area plans

Service area	Purpose of variation
Regional Victoria Television May 2010	The variation added additional collection district data as defined by the ABS at the census of August 2001 to the regional Victoria TV1, eastern Victoria TV1 and western Victoria TV1 licence areas.
Albury, NSW Radio March 2010	The variation made spectrum available for a national radio broadcasting service for the upper Murray area and changed the technical specifications (frequency) for the transmitter available for community radio broadcasting service in Wodonga. The Albury RA1, Albury RA2, Upper Murray RA1, Omeo RA1 and Wodonga RA1 licence areas were redefined using 2006 census data.
Canberra, ACT Radio December 2009	The variation changed the transmitter site for a high power open narrowcasting service, revised its radiation pattern and reduced its coverage radius; made spectrum available for a translator in Tuggeranong for community radio broadcasting service 1CMS; and changed the technical specifications (frequency) for the translator in Williamsdale for community radio broadcasting service 2QBN. The Canberra RA1, Canberra RA2, Queanbeyan RA1, Yass RA1 and Tuggeranong RA1 licence areas were redefined using 2006 census data.
Coffs Harbour, NSW Radio June 2010	The variation made spectrum available for a national radio broadcasting service for the Grafton/Kempsey area; made spectrum available for a translator at Woolgoolga for commercial radio broadcasting service 2HC Coffs Harbour; and made spectrum available for a new community radio broadcasting service at Coffs Harbour. The Coffs Harbour RA1, Coffs Harbour RA2 and Bellingen RA1 licence areas were redefined using 2006 census data. A new licence area, Coffs Harbour RA3, was also determined using 2006 census data.
Deniliquin, NSW Radio March 2010	The variation made spectrum available for a national radio broadcasting service for the Deniliquin area and changed the technical specifications (frequency and maximum power) of the community radio broadcasting service in Deniliquin. The Deniliquin RA1 and RA2 licences areas were redefined using 2006 census data.
Griffith, NSW Radio March 2010	The variation made spectrum available for a high power open narrowcasting radio service in Griffith and changed the technical specifications (increased maximum power and antenna height) of the community radio broadcasting service in Narrandera. The Narrandera RA1 licence area was extended and redefined using 2006 census data. The Griffith RA1, Griffith RA2 and Hay RA1 licence areas were also redefined using 2006 census data, but otherwise remain unchanged.
Kalgoorlie, WA Radio May 2010	The variation made spectrum available for a national radio broadcasting service for the Kalgoorlie area; made spectrum available for two high power open narrowcasting radio services at Kalgoorlie and Kambalda; and changed the technical specifications (increased maximum power) of one of the community radio broadcasting services in Kalgoorlie. The Kalgoorlie RA2 licence area was extended and redefined using 2006 census data. The Kalgoorlie RA1 licence area was also redefined using 2006 census data, but otherwise remains unchanged. The Kalgoorlie RA3 licence area was removed from the Kalgoorlie LAP.
Launceston, Tas. Radio October 2009	The variation made spectrum available for a new AM high power open narrowcasting service in Launceston and made spectrum available for translator services in the central business district of Launceston for the commercial radio broadcasting services, 7EX and 7LA, to rectify deficient coverage of these services. The Launceston RA1, Launceston RA2, George Town RA1 and Northern Midlands RA1 licence areas were redefined using 2006 census data.

Moree, NSW Radio March 2010	The variation made spectrum available for a national radio broadcasting service for the upper Namoi region. The Moree RA1 and Moree RA2 licence areas were redefined using 2006 census data.
Murray Bridge, SA Radio November 2009	The variation made spectrum available for a new community radio broadcasting service at Goolwa; changed the technical specifications (frequency) of the community radio broadcasting service, 5EFM Victor Harbor; and changed the technical specifications (height and polarisation of the antenna) of the community radio broadcasting service, 5GSM Victor Harbor. The Murray Bridge RA1, Victor Harbor RA1 and Victor Harbor RA2 licence areas were redefined using 2006 census data. A new licence area, Goolwa RA1, was also determined using 2006 census data.
Nowra, NSW Radio November 2009	The variation changed the technical specifications (relocated the transmitter, increased antenna height, reduced maximum power and re-orientated the radiation pattern) of an FM translator for commercial radio broadcasting service 2ST Nowra. The Nowra RA1, Nowra RA2, Bowral RA1, Ulladulla RA1 and Sanctuary Point RA1 licences areas were redefined using 2006 census data.
Perth, WA Radio May 2010	The variation changed the category of service of the local coverage FM frequency 90.5 MHz from a community radio broadcasting service to an open narrowcasting radio service, and changed the technical specifications to relocate the transmitter site and increase the maximum power. The Perth RA1, Armadale RA1, Fremantle RA1, Kalamunda RA1 and Wanneroo RA1 licence areas were redefined using 2006 census data. The Perth RA2 licence was removed from the Perth LAP.
Remote central and eastern Australia Radio December 2009	The variation made spectrum available for the commercial radio broadcasting services 4RBL and 4BRZ at Eurong, Fraser Island.
Remote central and eastern Australia Radio March 2010	The variation made spectrum available for a new community radio broadcasting service at Gin Gin, Queensland; changed the technical specifications (frequency) for the community radio broadcasting service 2TRR Dunedoo and made spectrum available for a translator for this service at Coolah. The Dunedoo RA1 licence area was extended to include Coolah and redefined using 2006 census data. The remaining commercial and community licence areas in the LAP were also redefined using 2006 census data, but otherwise remain unchanged.
Wangaratta, Vic. Radio November 2009	The variation changed the technical specifications of the community radio broadcasting service 3VKV to increase the maximum power and relocate the transmitter. The Mt Beauty RA1 licence area was extended to include the towns of Falls Creek, Bright and Dederang and redefined using 2006 census data. The Wangaratta RA1 and Wangaratta RA2 licence areas were also redefined using 2006 census data, but otherwise remain unchanged.

Digital channel plans and variations

The ACMA is responsible for managing the conversion of television transmissions from analog to digital mode. Legislative schemes (the ‘conversion schemes’) have been developed for the conversion of commercial and national television broadcasting services from analog to digital mode over a period of time.

The conversion schemes authorise the ACMA to develop digital channel plans (DCPs) which determine the channels to be allotted to each commercial and national television broadcaster in a given area as well as the technical limitations and characteristics of those channels.

Over the reporting period, the ACMA made variations to commercial and national DCPs for three areas (see Table 7).

Broadcasting licensing

In 2009–10, the ACMA:

- > issued 20 transmitter licences for national radio and television services
- > issued 78 broadcasting retransmission licences
- > approved 807 applications for out-of-area television
- > issued 49 radio and television test transmission licences
- > varied 50 radio and television apparatus licences
- > issued 99 special event broadcasting licences for radio and television services.

Table 7: Variations to digital channel plans

Service area	Purpose of variation
Mildura/ Sunraysia— commercial and national DCPs May 2010	The variations updated technical specifications and removed references to analog transmission in preparation for the switch-off of analog transmission on 30 June 2010.
Remote and Regional Western Australia— commercial and national DCPs May 2010	The variations changed the allotments of four channels at the request of broadcasters. At Derby, SBS and WDW swapped channel allotments so that SBS occupies channel 7 and WDW occupies channel 10. At Kalgoorlie, the assignment for VDW (West Digital Television No 3 Pty Ltd, a joint venture company formed by WIN and Prime) has been changed from channel 10 to channel 9. The variations were requested for technical reasons.
Remote Central and Eastern Australia— commercial DCP May 2010	Following the allocation of commercial television broadcasting licences in remote central and eastern Australia TV2 and Mt Isa TV1, the DCP for Remote Central and Eastern Australia was varied to allot channels for the new services to be provided under these licences.

International broadcasting licences

The ACMA did not receive any applications for international broadcasting licences during 2009–10.

Review of community broadcasting licence allocation and renewal processes

The review of the community radio broadcasting licence allocation process was completed during the reporting period. The revised process was trialed with the allocation of the Perth and Fremantle licences, including use of a revised application form for a community radio broadcasting licence (in the Broadcasting Services Band). The success of the review is evident from the allocation of 10 licences made available during the reporting period.

The review of the community radio broadcasting licence renewal process is underway, based on feedback received from licensees and industry bodies over the years. The application form for the renewal of a licence (ACMA B66) will be finalised early in the next reporting period.

Temporary community broadcasting licences

The temporary community broadcasting licence (temporary licence) scheme has been in place since 1997. The temporary licence scheme allows the ACMA to allocate non-renewable community radio licences to eligible aspirant broadcasters. Temporary licences are allocated for a maximum 12-month licence period.

Licences are allocated only if spectrum in the broadcasting services bands (BSB) is available for transmission.

The scheme gives the ACMA flexibility in promoting the efficient and effective use of spectrum and aspirant broadcasters the opportunity to develop broadcasting skills before merit-based allocation of planned long-term community broadcasting licences.

During the reporting period, the ACMA allocated 101 temporary licences and there were 100 temporary licences as at 30 June 2010. Of the 100 temporary licences, eight licensees are sharing use of three frequencies (in Young and Bankstown in New South Wales and in Goolwa in South Australia).

Community radio broadcasting licences

Under Part 6 of the Broadcasting Services Act (BSA), community broadcasting licences using the BSB are allocated after the ACMA has had regard to statutory merit considerations. Where there are competing applicants, the comparative merits of the applicants are considered. The ACMA is not obliged to allocate a community broadcasting licence, even though it has advertised for and received applications.

During the reporting period, the ACMA:

- > renewed 54 community radio broadcasting licences, of which none were remote indigenous broadcasting services.⁴ Of those, 17 were renewed with agreed measures—4WBR, 5RRR, 3MBR, 2CBD, 3WRB, 4FCR, 7RGY, 4GEM, 7TFM, 4US, 4CCR, 2AIR, 3VKV, 4DDB, 2QBN, 5GTR and 4ZZZ
- > advertised for applications and allocated 10 community radio broadcasting licences in Gosford and Lake Macquarie (New South Wales), Fremantle and Perth (Western Australia), Bendigo (three) and Geelong (Victoria), Alice Springs (Northern Territory) and Port Augusta (South Australia).

No community broadcasting licences were refused renewal.

One community broadcasting licence was surrendered (4TVR) and one community broadcasting licence expired (4EEE).

There were 356 community radio broadcasting licences as at 30 June 2010, of which 78 were Remote Indigenous Broadcasting Services.

All licence renewal applications were processed within 12 months of receipt by the ACMA. For the financial year, 88 per cent of licence renewal applications were initially assessed within four months of receipt.

4 In the *Annual report 2008–09*, the ACMA incorrectly reported that it had renewed 33 community broadcasting licences. In fact, the ACMA renewed 47 licences during the year. This error was due to a discrepancy in the database used to generate licence certificates.

Commercial radio broadcasting licences

During 2009–10, the ACMA renewed 49 commercial radio broadcasting licences for services using the Broadcasting Services Bands. No new commercial radio broadcasting licences were allocated for services using the Broadcasting Services Bands during the reporting period.

As at 30 June 2010, there were 273 commercial radio broadcasting licences.

Commercial television

As at 30 June 2010, there were 71 commercial television broadcasting licences.

During 2009–10, the ACMA renewed eight commercial television broadcasting licences.

The ACMA also allocated one new commercial television broadcasting licence to each of the following remote central and eastern Australian licence areas under section 38B of the BSA:

- > Remote Central and Eastern Australia TV2
- > Mt Isa TV1.

Under section 38B of the BSA, the ACMA may allocate additional commercial television broadcasting licences in markets that have only two existing commercial television broadcasting licences in force. A commercial television broadcasting licence that is allocated under section 38B (a section 38B licence) may only provide a commercial television broadcasting service in digital mode.

Other than licences issued under section 38B of the BSA, the ACMA must not issue new commercial television broadcasting licences in the Broadcasting Services Bands unless directed by the minister, following a review. The initial review must be conducted by the minister before 1 January 2012.

Allocation of satellite commercial television broadcasting licences in the Mildura/Sunraysia licence area

Under section 40 of the BSA, the ACMA may allocate a commercial television broadcasting licence (a section 40 licence) that does not use the broadcasting services bands. A section 40 licence is allocated on the basis on one service per licence and applications must be referred to the minister for consideration on public interest grounds.

In 2009–10, the ACMA allocated 10 section 40 licences to provide digital satellite commercial television broadcasting services in the Mildura/Sunraysia TV1 licence area.

Community television

Community television broadcasting licences are allocated in the same manner as community radio broadcasting licences.

The ACMA did not renew any community television broadcasting licences during the reporting period.

There were 81 community television broadcasting licences at 30 June 2010, of which 78 were Remote Indigenous Broadcasting Services.

Community television trial

During 2009–10, the ACMA made spectrum available for community television trials in:

- > Adelaide—for the period 5 July 2009 to 4 July 2011
- > Lismore—for the period 29 June 2009 to 28 June 2011
- > Perth—for the period 16 April 2009 to 15 April 2011.

These services are made possible by a condition on the apparatus licences that they be used only to provide an open narrowcasting television service for community and educational non-profit purposes.

Spectrum became available for the Perth community television trial as a result of cancellation of the community television broadcasting licence in 2008.

Digitisation of community television services in metropolitan areas

On 4 November 2009, the Minister for Broadband, Communications and the Digital Economy announced a pathway for five existing metropolitan community television services to convert to digital mode. The initiative provides for the temporary digital simulcast of three long-term community television services (in Sydney, Melbourne and Brisbane) and one trial community television service (in Adelaide). Under the policy, the trial community television service in Perth may commence transmission in digital mode only (see Table 8).

The ACMA has allocated to the broadcasters of each community television service, with the exception of Adelaide, new apparatus licences to enable them to provide their digital services. These licences contain specific conditions which reflect the parameters set by the government's decision. The ACMA hopes to allocate a new apparatus licence to the community television broadcaster in Adelaide before the end of 2010.

Telecommunications licensing
Carrier licensing

The ACMA is responsible for administering the carrier licensing regime that is given effect by the *Telecommunications Act 1997* (the Telecommunications Act). A carrier licence must be held by the owner of a telecommunications network unit if that unit is to be used to supply a telecommunications carriage service to the public. This requirement applies unless the entity:

- > enters into an arrangement by which a licensed carrier is nominated to have the responsibilities of a carrier in relation to those network units (nominated carrier declaration) or
- > is exempted from the requirement to hold a carrier licence or
- > has a certificate entitling it to conduct a trial of its services or operations without holding a carrier licence.

A network unit can be either one or more specified line links or radiocommunications facilities.

The ACMA granted 19 carrier licences in 2009–10, all within the statutory 20-day timeframe. This is a decrease compared to 2008–09, when 22 licences were issued. A licensed carrier can surrender its licence by providing a written notice to the ACMA. A total of 17 carriers surrendered their carrier licence in 2009–10.

As at 30 June 2010, there were 177 licensed carriers in Australia.

The ACMA has issued 116 nominated carrier declarations from 1 July 1997. In the last 12 months from 1 July 2009, the ACMA has issued four nominated carrier declarations. One nominated carrier declaration was revoked in 2009–10.

As at 30 June 2010, there were 75 nominated carrier declarations in force.

A complete list of carrier licences and nominated carrier declarations is at Appendix 5, page 178.

Trial certificates allow applicants to try out new networks and services for a period of six months without the need to apply or hold a carrier licence or nominated carrier declaration. The ACMA did not receive any applications for a trial certificate in 2009–10 or issue any trial certificates.

Table 8: Community television digital transmission start dates

Area served	Digital transmission start dates
Sydney	March 2010
Perth	March 2010
Melbourne	May 2010
Brisbane	June 2010
Adelaide	September 2010

Telecommunications numbering

Numbering Plan administration

The ACMA manages the Telecommunications Numbering Plan 1997 (the Numbering Plan), which sets out the framework for the numbering of carriage services in Australia and the use of numbers in connection with the supply of such services. The ACMA is also responsible for managing the existing numbering resource and planning for new numbering developments in Australia. The Numbering Plan was varied during the reporting period to accommodate changes to the **smar**numbers® auction process.

Numbering Advisory Committee

The Numbering Advisory Committee (NAC) is a formally constituted advisory committee to the ACMA and comprises representatives of the telecommunications industry, telecommunication users, community groups and government, and formulates, administers and provides advice on numbering policy. The NAC primarily addresses issues relating to the development and management of the Numbering Plan, including the allocation and specification of numbers, and the distribution and administration of annual numbering charges. It also provides a forum for discussion and briefing on matters related to numbering.

The NAC met twice during 2009–10. It provided advice on proposed changes to the Numbering Plan for geographic numbers, the **smar**numbers® auction process and the Shared Numbers Review. It also provided advice on areas for potential change to the Numbering Plan that informed the ACMA's numbering work program (see page 54). The NAC was also consulted about the implementation of the Emergency Alert System (EAS) for Australia.

Number allocations register

The ACMA maintains a register of numbers allocated to carriage service providers (CSPs) and numbers that have been permanently transferred from one CSP to another. The information is contained within a database known as the Online Numbering System (NUMB). The database is accessed by CSPs to perform functions such as routing and billing, and applying, transferring and surrendering numbers. It is accessed by the ACMA to administer the Annual Numbering Charge (ANC).

Numbering transactions

In November 2009, the ACMA phased out paper applications for most types of numbers. CSPs now apply to transfer or to surrender numbers online. Previously, paper number applications had to be manually keyed into NUMB by ACMA staff. As a result of the process improvements, the cost of submitting large applications for numbers across many geographic areas has been significantly reduced. The fixed application fee was lowered to \$93 from \$104 and the charge for second and subsequent blocks was reduced to \$1 from \$2.

During 2009–10, the ACMA assessed 69 separate applications for numbers from 16 different CSPs. The most common number types applied for were geographic and digital mobile numbers. The time taken to process routine applications was four and a half working days, similar to 2008–09 where on average it took four days. Due to the recent process improvements, a reduction in future processing times is expected as larger applications are submitted and processed. During 2009–10, the ACMA met its statutory requirements and key performance indicators by processing numbering applications within the 10-day statutory timeframe.

In 2009–10, the ACMA allocated:

- > 1,478,900 geographic numbers, significantly fewer than the 3,132,400 allocated in 2008–09
- > 5,610,000 digital mobile numbers, significantly more than the 2,420,000 allocated in 2008–09.

Table 9 shows the amount of numbers allocated by number type in 2009–10.

During 2009–10, the ACMA received six applications to surrender numbers from two CSPs. There were also five notifications of permanent transfer of numbers between CSPs. Table 10 shows the numbers surrendered by number type and Table 11 shows the numbers transferred by number type.

Table 9: Quantity of numbers allocated by number type during 2009–10

Type of number	CSPs allocated numbers	Quantity of numbers allocated
Geographic	9	1,478,900
Digital mobile	8	5,610,000
Mobile number codes	3	3
International signalling point codes	5	8
Data Network Access service	1	6,000
Pre-select code	3	3
Total numbers allocated		7,094,914

Table 10: Quantity of numbers surrendered by number type during 2009–10

Type of number	CSPs surrendering numbers	Quantity of numbers surrendered
Geographic	1	15,000
Data Network Service	1	10,000,000,000
Virtual Private Network Service	1	1
Data Network Access Service	1	3
Total numbers surrendered		10,000,015,004

Table 11: Quantity of numbers transferred by number type during 2009–10

Type of number	CSPs transferring numbers	Quantity of numbers transferred
Geographic	2	528,900
Pre-select code	2	2
Total numbers transferred		528,902

Table 12: Quantity of numbers allocated by INMS by number type and digit length during 2009–10

Type of number	Quantity of numbers allocated
Freephone and local rate (1800, 1300, 13)	37,171
Premium rate numbers (six- and eight-digit 19 numbers)	196
Total numbers allocated	37,367

Table 13: Quantity of numbers surrendered by INMS by number type and digit length during 2009–10

Type of number	Quantity of numbers surrendered
Freephone and local rate (1800, 1300, 13)	17,364
Premium rate numbers (six- and eight-digit 19 numbers)	372
Total numbers surrendered	18,096

Industry Number Management Service (INMS) Ltd is contracted to the ACMA to provide delegated services to industry for freephone (1800), local rate (13) and six- and eight-digit premium rate numbers. Services undertaken by INMS include number allocations, withdrawals, reservations and placements in quarantine. Table 12 shows the quantity of numbers allocated by INMS and Table 13 shows the quantity surrendered in 2009–10 by number type.

The ACMA and INMS entered into a new contract for the provision of these services on 29 January 2010. The new contract requires fees for delegated services to be formally determined by the ACMA. It also specifies that INMS develop its proposed fees for delegated services on a cost recovery basis. The ACMA made the Telecommunications (Numbering Charges – Delegated Services) Determination 2010 on 24 June 2010. The period of the new contract is two years with options allowing the contract to be extended on a year-to-year basis to a maximum contract period of five years.

ENUM

During the reporting period, the ACMA continued to monitor development in ENUM (a protocol that allows telephone numbers to be mapped to internet addresses). There are ongoing deployments around the world of non-standards based ENUM as next generation networks are rolled out.

Portability

Number portability improves opportunities for telecommunications competition by enabling customers to keep their telephone numbers when changing to a new CSP. The telecommunications industry has developed codes that set out the procedures for portability, and the ACMA has the responsibility for registering new and revised codes, making them enforceable under the Telecommunications Act.

In 2009–10, the Mobile Portability Code was revised by Communications Alliance. The purpose of the revision was to:

- > enable the use of Mobile Number Portability (MNP) data to prevent fraud and assist in fraud investigations

- > introduce a port recovery process, to better enable recovery of ported Mobile Service Numbers (mobile numbers) involving multiple CSPs to the correct customer
- > remove references to CDMA technology to make the code more technology neutral.

This code (C570:2009) was registered by the ACMA on 20 May 2010.

The ACMA also responds to enquiries from industry and the public about number portability, and is able to take action in relation to compliance with relevant registered codes.

Provision is made in the Numbering Plan for circumstances where it may not be practicable, or in the long-term interests of end-users, for a CSP to provide portability. No exemptions from number portability were sought or granted in 2009–10.

Pre-selection

Pre-selection is required to be provided on a standard telephone service. It allows a certain basket of calls, including national long distance and international calls, to be automatically routed to an alternative provider, regardless of which CSP is providing the local call and access service for that standard telephone service.

The primary purpose of pre-selection is to offer customers choice and to support competition by enabling competing operators to use the networks of other carriers to access their customers.

Australia's operational pre-selection arrangements are governed by a telecommunications industry code, ACIF C515:2005 *Pre-selection*. It specifies the minimum arrangements and timing in relation to the delivery of pre-selection, including the principles and processes to be followed by access service deliverers and prime service deliverers for implementing, maintaining and changing customer's choice of prime service deliverer.

Section 352 of the Telecommunications Act enables the ACMA to exempt a carrier/CSP from the obligation to provide pre-selection. No exemptions were granted during 2009–10.

Geographic numbering amendments

On 1 April 2010, the ACMA released a discussion paper, *Geographic numbering amendments*, for public consultation. The discussion paper proposes the following amendments to the Telecommunications Numbering Plan 1997 which:

- > remove some limitations on outbound-only services
- > provide a framework governing the use of geographic numbers when used for services outside their normal area.

The ACMA is currently considering submissions received and then, if appropriate, will vary the Numbering Plan in the second half of 2010. These amendments are intended to provide flexibility in the Numbering Plan in the short to medium term while a more extensive consideration of a broader range of numbering issues is undertaken through the Numbering Work Program.

The numbering work program

Demands from convergence and continuing growth of communications services and devices using digital internet protocol (IP) and mobility is accelerating pressures on the current structure of the Numbering Plan. On 1 April 2010, the ACMA announced that it will examine a range of numbering issues during 2010. This work program will inform the ACMA's approach to the management of the Telecommunications Numbering Plan 1997 and the regulation of numbering administrative arrangements more generally.

The ACMA is assessing whether current uses, functions and enablers of telephone numbers remain effective in supporting a range of communication services and achieving economic and social policy objectives. The work program is structured as a series of modules which will be released during 2010–11.

Revenue and fees

The ACMA is responsible for the efficient regulation and allocation of public resources such as telecommunications numbering and the radiofrequency spectrum. These public resources are indispensable inputs to industry in the innovative and dynamic communications sector of the economy.

The ACMA collects revenue on an annual basis through broadcasting, radiocommunications and telecommunications licence fees, and charges for telecommunications numbers. The administration of fees, taxes and charges plays a key role in the efficient planning, allocation and use of public resources.

Where feasible under the applicable legislation, the ACMA sets fees, taxes and charges so they support the effective use of public resources. They also recover the costs of regulating the industry. In accordance with government cost-recovery policy and guidelines, and where it is cost-effective, the ACMA seeks to charge individuals or firms for the costs of providing the activity.

Revenue raised by the ACMA in taxes, charges, levies and other revenue is shown in Tables 14 to 17.

Table 14: Resource taxes

Description	Revenue in 2008–09 \$m	Revenue in 2009–10 \$m
Spectrum auctions	0.000	0.000
Apparatus auctions	0.110	0.048
Number auctions	3.078	3.061
Annual numbering charge	59.900	60.000
Apparatus licence tax	150.275	153.897
Broadcasting licence fees and datacasting charge	341.048	214.425
Total taxes	554.411	458.431

Table 15: Cost recovery charges

Description	Revenue in 2008–09 \$m	Revenue in 2009–10 \$m
Annual carrier licence charge	36.208	39.549
Spectrum licence tax	0.496	0.322
Fee for service charges	2.298	2.399
Do Not Call Register charges	2.093	2.316
Total charges	41.095	44.586

Table 16: Industry levies, 2009–10

Description	Revenue in 2008–09 \$m	Revenue in 2009–10 \$m
USO levy	145.545	145.076*
NRS levy	15.107	15.577
Total levies	160.652	160.653*

* Maximum claimable in accordance with ministerial determinations.

Table 17: Other administered revenue

Description	Revenue in 2008–09 \$m	Revenue in 2009–10 \$m
Fines and penalties	0.666	23.337
Other	0.317	0.295
Total other administered revenue	0.983	23.632

USO funding and subsidies

Under the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, the ACMA provides advice to the minister to assist in the determination of the amount of subsidy for supplying the Universal Service Obligation (USO). The amount of the USO obligation is shared by the telecommunications carriers through the application of a levy.

In April 2010, the ACMA provided the USO subsidies advice to the minister in response to his direction of 4 February 2010. On 11 May 2010, the minister set the aggregate USO subsidy for 2009–10 at \$145,076,237. This was the same amount that applied in 2008–09.

Telstra, as the universal service provider, is eligible to submit a claim each year for the cost of providing the USO up to the amount of the universal service subsidy. For the 2009–10 claim period, Telstra submitted a claim for \$145,076,237. The claim amount was consistent with the total subsidy set by the minister.

The ACMA is in the process of assessing this claim. The amount of each carrier's contribution to the cost of providing the USO will be determined based on the share of industry eligible revenue for the 2008–09 eligible revenue period and adjustments relating to the collection of payments from previous years. Telstra's contribution will be adjusted by the amount of its assessed entitlement to the subsidy.

USO eligible revenue assessment

Persons holding a telecommunications carrier licence for any time during a financial year are required to submit an eligible revenue return so that the ACMA may determine each carrier's eligible revenue. For the 2008–09 period, participating persons were required to lodge returns with the ACMA by September 2009. The ACMA made the written assessment of participating persons' eligible revenue for the 2008–09 eligible revenue period on 3 June 2010.

The primary function of the eligible revenue process is to determine the contribution that each participating person makes towards the cost of providing the USO. The eligible revenue process is also used to determine each participating person's contribution to the National Relay Service (NRS) subsidy and annual carrier licence charges.

The NRS is a national relay service that gives telephone access to Australians who are deaf, or who have a hearing or speech impairment (see page 132). Annual carrier licence charges are imposed on carriers so that the ACMA may recover the cost of regulating the telecommunications industry, by both the ACMA and the Australian Competition and Consumer Commission.

Each participating person's contributions to the USO and NRS levies and carrier licence charges are based on their proportion of total industry eligible revenue. Carrier licence charges also include a fixed component. In June 2010, the ACMA made a written assessment for each participating person's eligible revenue for 2008–09. The eligible revenue assessment for 2008–09 will be used to determine each participating person's USO levy for 2009–10.

Do Not Call Register access fees and cost recovery

Industry contributes to the cost of operating and maintaining the register through the payment of subscription fees determined by the ACMA. In 2009–10, the annual subscription fees ranged from \$78 to check or 'wash' up to 20,000 numbers against the register, to \$88,000 to 'wash' up to 100 million numbers. There is also a subscription type that allows telemarketers to check up to 500 numbers each year at no cost.

Fees for accessing the register are determined using cost recovery principles which are consistent with the *Australian Government Cost Recovery Guidelines* and comply with the government's full direct cost recovery policy for the register. This includes completing a review of the actual and expected direct cost of operating the register, actual revenue and any over or under recoveries from previous years.

The ACMA has delayed the 2009–10 review of access fees until later in 2010 so that the impact on fees of the amendments to the *Do Not Call Register Act 2006* (the DNCR Act) can be assessed and incorporated.

The DNCR Act was amended to expand the register to enable registration of numbers used or maintained exclusively for transmitting and/or receiving faxes, numbers used or maintained exclusively for use by government bodies, and emergency service numbers. The changes to the register came into effect on 30 May 2010.

The inclusion of fax numbers impacts on cost recovery arrangements as fax marketers have not previously been included in any prohibitions under the DNCR Act. The new legislative arrangements prohibit the sending of unsolicited marketing faxes to numbers on the register, unless consent (express or inferred) has been obtained prior to the fax being sent. To avoid breaching the DNCR Act, fax marketers may purchase an annual subscription to 'wash' their fax marketing lists against numbers on the register. The additional demand for subscriptions is expected to affect direct costs and revenue but the full impact is as yet unknown.

The ACMA has engaged an independent consultancy to assist in determining the new fees. The cost recovery arrangements for the register are based on a 'fee-for-service' and do not include the costs to establish the register or the ACMA's regulatory costs associated with monitoring and enforcing compliance with the DNCR Act.

NRS levy

The delivery of the NRS is funded by a quarterly levy on eligible telecommunications carriers. Entities holding a carrier licence during the quarter, subject to any determination by the minister as to a participating person for a quarter, are eligible to pay the levy. A ministerial determination registered in December 2005 restricts payment of the levy to carriers that have annual gross telecommunications revenue of \$10 million dollars or more. The ACMA is responsible for the collection of the NRS levy on behalf of the government.

In 2009–10, the cost of providing the NRS was \$15.5 million, which is comparable to the cost in 2008–09 (\$15.1 million).

Numbering charges

On behalf of the Australian Government, the ACMA collects a set amount of revenue each year from carriage service providers (CSPs) that hold telephone numbers. The ACMA collects this revenue through the annual numbering charge (ANC). The ANC revenue target is set by the government through the federal budget. The ANC revenue target has not changed since it was established in 1998. As was the case in previous years, the ANC revenue target for 2009–10 was \$60 million.

The ACMA administers the process in accordance with the Telecommunications Act, the *Telecommunications (Numbering Charges) Act 1997* and a series of four determinations made by the ACMA under those Acts. The determinations establish key parameters of the process (such as the census date discussed below and the formula used to ascertain the amounts of charge to be applied to particular numbers).

The determinations under which the numbering charge process is administered are:

- > the Imposition of Annual Charge – Date Determination, which sets the date on which charges are imposed (that is, the census date)
- > the Telecommunications (Due Date for Annual Charge) Determination 1999, which sets the due date for payment of charges
- > the Telecommunications (Annual Numbering Charge – Late Payment Penalty) Determination 2000, which sets out rules for the imposition and remission of late payment penalties
- > the Telecommunications (Annual Charge) Determination 2007 (No. 2), which sets the formula used to ascertain the amounts of annual charge (this determination does not set out the actual amounts to be charged).

CSPs are liable for the charges they incur for the numbers they hold on the census date. The census date is in April with the exact date determined by the ACMA each year. The census date for 2009–10 was 4 April 2010. To enable the ACMA to determine the quantity of numbers held by each CSP on the census date, an embargo on the surrender of most numbers commences 15 working days prior to the census date each year. The embargo commenced on 12 March in 2009–10.

Amount of charge

The base number charge for 2009–10 was \$0.7850547171. Employing the opportunity cost methodology applied in previous years, nine-digit numbers were charged at \$7.850547171, eight-digit numbers at \$78.50547171 and so on. Three- and four-digit numbers were charged at \$100,000, the maximum rate allowable under the *Telecommunications (Numbering Charges) Act 1997*.

Numbers used for incoming-only international services, internal network services and testing services were subject to a reduced rate of charge. Geographic numbers allocated to a carriage service provider for the purposes of providing a standard telephone service to a customer are exempt from the charge.

As at 30 June 2010, the ACMA had received \$57,215,538.64 of the \$60 million revenue target. The amounts outstanding for each CSP are shown in Table 18.

Number auctions

In 2004, the **smartnumbers**® auction system was introduced to allocate certain freephone and local rate numbers (FLRNs): 13, 1300 and 1800 numbers. The use of an auction system provides an efficient means for allocating freephone and local rate numbers that are likely to be highly valued by industry, government or the community sector. Winning bidders for **smartnumbers**® are entitled to the enhanced rights of use (EROU) to the number, including the ability to trade or lease the rights to the **smartnumbers**®. The winning bidder may retain the EROU to a **smartnumbers**® for up to three years without an active service in place.

Table 18: Annual numbering charge amounts outstanding at 30 June 2010

CSP	Amount outstanding (\$)
Quantum Multimedia Communications Pty Ltd	7,850.55
Visiontek Pty Ltd	14,759.03
Voicetek Pty Ltd	7,850.55
Virgin Mobile (Australia) Pty Ltd	2,196,780.15
RSL COM Australia Pty Ltd (Receivers and Managers Appointed)	9,269.93
SIMPLUS Mobile Pty Ltd	110,826.17
iTouch Australia Pty Ltd	942.06
Vocus Pty Ltd	100,000.00
Message Talk Pty Ltd	785.05
My Number Pty Ltd	78,386.93
Lycamobile Pty Ltd	257,010.94
Total	2,784,461.36

Note: Table 18 does not include late payment penalties which apply after 15 June 2010, the due date for payment.

The ACMA reviewed the arrangements for **smartnumbers**® in 2009–10. The review included a public consultation process with the release of a discussion paper and direct consultation with stakeholders, including 60 registered charities, members of the Australian Phone Words Association, Industry Number Management Services subscribers and members of the Numbering Advisory Committee and Communications Alliance.

A number of changes were made to **smartnumbers**® as a result of the review and public consultation and they came into effect on 8 May 2010. In making these changes, the objective of the ACMA was to improve both the efficiency and effectiveness of the **smartnumbers**® arrangements. Key improvements were the reduction of the reserve prices for **smartnumbers**® by around 50 per cent, reducing the nomination period for numbers from 10 days to four days and replacing the allocation process for charities with the public process. The reserve prices for the auctioned numbers range from \$250 (previously \$500) to \$20,000 (previously \$40,000).

Public auctions for **smartnumbers**® are generally held fortnightly. In 2009–10, the ACMA raised \$3,096,102 in revenue from the sale of 4,842 numbers through the **smartnumbers**® auction process. Charities could obtain numbers at the charity reserve price of \$100 up to 7 May 2010 in 2009–10. During this period, 41 charities were awarded **smartnumbers**®, raising \$4,100 in revenue. The ACMA met its key performance indicators for **smartnumbers**® auctions by regularly and efficiently conducting auctions.

Carrier licensing and nominated carrier declaration charges

An annual charge is imposed on carriers holding licences at the beginning of each financial year. This charge is payable by the holder of the carrier licence. The annual charge consists of a fixed component of less than \$1,000 and a variable component that will be determined for each financial year on the basis of market share in accordance with the formula set out in section 67 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*. The annual charge is intended to provide a mechanism for recovery of costs associated with the regulation of the telecommunications industry.

In 2009–10, the total annual carrier licence charge was \$39,769,672.

The charge imposed on an application for a carrier licence (\$2,500) and nominated carrier declaration (\$2,900) is due and payable when the application is made to the ACMA. The amount of the application charge represents the recovery cost of processing the application.

Apparatus licence taxes

As indicated in Table 15: Resource taxes, 2009–10, the ACMA uses taxes on the issue of radiocommunications apparatus licences to support the efficient use of spectrum and recover the indirect costs of spectrum management. The tax is calculated by a formula that makes fees determinate, consistent, equitable and transparent. The formula encourages efficiency by making taxes higher in congested locations and spectrum bands, making taxes proportional to the bandwidth and giving discounts for low power.

In 2010, the CPI adjustment of 1.5 per cent, reflecting price changes from June 2008 to June 2009, applied to all licence taxes except for fixed services operating below 960 MHz in remote density areas.

The last stage of a five-year program of increases in fees for fixed services below 960 MHz occurred in April 2009. The taxes for point to multipoint licences are now equal to land mobile taxes, and point-to-point licence taxes are one-quarter of the fee for land mobile licences.

Opportunity cost pricing for administratively allocated spectrum

In January, the ACMA announced an in principle decision to have opportunity cost as a tool for determining the annual fees for administratively allocated spectrum. The opportunity cost is the value of the opportunity foregone by current spectrum use. It is the price that would be expected to emerge in a well functioning market.

The ACMA's decision follows careful consideration of the issues raised in submissions to its discussion paper, *Opportunity Cost Pricing of Spectrum: Public consultation on administrative pricing of spectrum based on opportunity cost* (released in April 2009).

Opportunity cost pricing may result in some licence fees increasing and some decreasing. The ACMA will undertake a band-by-band assessment to determine the priorities for a licence fee review, and these priorities will be reflected in the annual *Five-year Spectrum Outlook* publication from next year. The ACMA will consult with stakeholders in considering specific proposals to amend licence fees for particular bands, including the 400 MHz band.

Following a review of regulatory arrangements in the 400 MHz band, it is proposed that fee arrangements in the 400 MHz band be amended to reflect opportunity cost principles. It is expected that this will involve a threefold increase implemented over five years in the spectrum tax for high density areas (Sydney, Melbourne and Brisbane). Over the same timeframe, and once sufficient analysis has been completed, the ACMA will reduce spectrum taxes in rural and remote areas where the spectrum is under-utilised. Under this new model, users will potentially be able to reduce their outlays by reducing channel bandwidth to counter licence tax increases.

Spectrum licence tax

The spectrum licence tax is imposed on all holders of spectrum licences at 11 October each year. The total amount of tax on each band is disclosed before the allocation and does not change over the life of the licence. The total amount of tax is split between licensees in each band based on the bandwidth and the population covered by their licences. In 2009–10, the ACMA collected a total of \$322,458 in spectrum licence tax.

Broadcasting licence fees and datacasting charge

The ACMA collects broadcasting licence fees from commercial radio and television broadcasting licence holders under the *Television Licence Fees Act 1964* and the *Radio Licence Fees Act 1964*. Supporting documentation is required under sections 205B and 205C of the *Broadcasting Services Act 1992*. Fees are calculated as a percentage of the gross earnings of the licence holders for each broadcasting licence fee period less any rebates that apply.

Under the *Datacasting Charge (Imposition) Act 1998*, a datacasting charge is collected from commercial television broadcasting licensees who also hold a transmitter licence issued under the Radiocommunications Act and use the transmitter licence to provide a datacasting service(s) authorised by a licence under Schedule 6 of the *Broadcasting Services Act 1992*. The ACMA collected \$0.012 million from datacasting services in 2009–10.

Broadcasting licence fees

The ACMA worked out a total of \$299.4 million in licence fees due and payable for the 2008–09 period, of which \$295.9 million in broadcasting licence fees has so far been collected in 2009–10. Television broadcasters have paid a total of \$273.1 million in broadcasting licence fees and radio broadcasters have paid a total of \$22.8 million in broadcasting licence fees.

Table 19 shows total broadcasting licence fees assessed in the last three financial years.

Table 19: Broadcasting licence fees

	Number of licences			Total licence fees collected (\$m)		
	2007–08	2008–09	2009–10	2007–08	2008–09	2009–10
Radio licence fees	274	273	273	22.4	24.1	22.8
TV licence fees obligation	55	55	59	282	296.1	281.0
Less digital TV conversion rebate				23.4	9.3	4.4
TV licence fees				258.6	286.8	276.6

Regional Equalisation Plan

The Australian Government introduced a Regional Equalisation Plan in 2000–01 to assist the rollout of digital television broadcasting services to regional and remote Australia. Rebates against annual licence fees administered by the ACMA, and where necessary supplementary grants administered by Department of Broadband, Communications and the Digital Economy, are claimable by broadcasters based on their area's progress in rolling out digital television services, with the scheme ending on 31 December 2017. Commercial television broadcasters claimed total rebates of \$4.4 million in 2009–10.

New broadcasting licence fee rebate

On 15 June 2010, the Television Licence Fees Amendment Regulations 2010 (No. 1) were signed by the Governor General. These regulations implement the broadcasting licence fee rebate. This rebate will apply the 2009–10, 2010–11 and 2011–12 broadcasting licence fee financial reporting periods at a rate of 16.5 per cent, 41.5 per cent and 25 per cent respectively of the amount of fees otherwise payable under the *Television Licence Fees Act 1964*. To be eligible for the rebate in 2010–11 and 2011–12, commercial television broadcasting licensees must have complied with the Australian Content Standard for the relevant period.

Technical regulation

The ACMA encourages industry self-regulation and works with industry to develop standards, taking into consideration appropriate public interest criteria and technical regulatory requirements of the Telecommunications Act, Radiocommunications Act and the Broadcasting Services Act.

The ACMA administers mandatory regulatory arrangements that require specified items of equipment to meet these industry-developed standards.

Technical Advisory Group

The Technical Advisory Group (TAG) is an industry consultative forum established and chaired by the ACMA. TAG members include supplier and consumer industry sector representatives, representatives of Standards Australia and the National Association of Testing Authorities and ACMA staff from technical regulation areas.

The TAG plays a valuable role in promoting the consistency of the technical regulatory framework and considering strategically whether the framework remains appropriate to changing needs and is achieved with the least burden on industry. Through a consultative process, the TAG contributes strategic thinking to drive improvements to technical regulatory arrangements.

During 2009–10, TAG members advised on:

- > compliance and labelling policies
- > the implications of convergence for sectoral-specific technical regulation arrangements
- > standards development and the ACMA's technical regulatory arrangements
- > broader compliance approaches to technical regulation.

The TAG took a particular interest in the current labelling arrangements for communications and IT equipment and devices. The issues considered in TAG labelling discussions included:

- > electronic labelling of devices with a built-in display
- > consolidation of existing regulatory compliance labels
- > the relationship between labelling requirements and broader technical compliance policy objectives.

The TAG discussions were complemented by discussions held under the auspices of the Technical Working Group (TWG). The TWG is a standing working group that reports back to the TAG and consists of industry stakeholders including carriers, standards development organisations, testing laboratories, supplier representatives and independent consultants from across the range of compliance management areas.

During 2009–10, the TWG reviewed:

- > the role of Recognised Testing Authorities (RTAs) under the current telecommunications regulatory arrangements and maintained by the National Association of Testing Authorities (NATA)
- > the requirements for recognition of the IEC System of Conformity Testing and Certification of Electrical and Electronic Components, Equipment and Products (IECEE) Certification Bodies' (CB) Scheme.

Technical standards and labelling notices

The ACMA works closely with industry in fostering self-regulation and supports it in the development of technical standards that the ACMA may mandate, taking into consideration its obligations under the Telecommunications Act and the Radiocommunications Act.

Mandatory technical standards are given regulatory effect through a series of compliance and labelling obligations placed on all suppliers of electrical and electronic equipment including telecommunications and radiocommunications devices.

Under these arrangements, the ACMA requires suppliers—Australian manufacturers, importers or their agents—to:

- > ensure equipment subject to mandatory regulatory arrangements complies with technical standards
- > apply compliance labels to those items where appropriate
- > keep appropriate records.

The ACMA administers four regulatory arrangements, as follows:

- > Telecommunications regulatory arrangements, which specify requirements for telecommunications equipment and cabling.
- > Radiocommunications regulatory arrangements, which specify requirements for radiocommunications transmitters.
- > Electromagnetic compatibility (EMC) regulatory arrangements, which specify electromagnetic emission requirements for electrical and electronic devices to limit unintended radiation.
- > Electromagnetic energy (EME) regulatory arrangements, which sets health exposure limits on emissions from radiocommunications transmitters.

In July 2010, the ACMA will consider determination of the first technical standard under the Broadcasting Services Act. This standard is expected to mandate a requirement for specified domestic digital reception equipment to have parental lock functionality. While the standard is proposed to be mandatory, there are currently no proposed labelling or record keeping requirements associated with the determination of the standard. The ACMA would consider the development of regulatory arrangements for this standard specifying labelling and record keeping obligations if, following monitoring of industry compliance to the standard, such an arrangement was necessary.

These arrangements provide mandatory safeguards to protect the community—including users, spectrum licensees and carriers—without unnecessarily compromising the benefits that these technologies bring to modern living.

In October 2009, the ACMA sought public comment on proposed amendments to all four labelling notices to give suppliers the option of displaying the compliance label on the built-in display of the device and to more closely align the labelling notices. The amendments were made by the ACMA in March 2010 and the amendments came into effect on 31 March 2010.

The electronic labelling option allows a supplier of a device with a built-in display to choose either a label on the surface of the device or to electronically display the label.

The ACMA participates in Communications Alliance reference panels, working committees and Standards Australia technical committees to ensure that industry codes, technical standards and guidelines meet the minimum necessary regulatory requirements for technical regulation.

The ACMA will only mandate a standard that is suitable for adoption under the ACMA heads of power for the relevant arrangement. Examples are health and safety, radiofrequency interference, network integrity and emergency call access. These are identified within the various Acts under which a standard is made.

During the reporting period, the ACMA participated in various meetings with industry representative bodies, providing input to the creation and updating of industry standards, codes and guidelines. The ACMA also attended exhibitions and tradeshow to promote awareness of the regulatory arrangements.

In 2009–10, the ACMA handled 2,951 written and 2,401 telephone enquiries relating to its technical standards and its compliance and labelling arrangements.

Telecommunications standards

The ACMA engages with the telecommunications industry through its involvement with Communications Alliance and Standards Australia to manage a suite of mandatory telecommunications standards.

Communications Alliance is the peak standards development organisation for telecommunications standards other than safety standards, which are developed by Standards Australia. Both undertake this work using an open and consultative process that includes comprehensive public consultation.

During 2009–10, the ACMA received two submissions from Communications Alliance for changes to requirements in, and the application of, technical standards in the regulatory arrangements. The ACMA amended the Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001 once in the reporting year to incorporate changes identified in the first submission. This amendment took effect in December 2009. Changes identified in the second submission will be incorporated in a further amendment next reporting year.

The December 2009 amendment gave effect to a revised industry technical standard for ADSL2+ modems and filters and specified an expiry date for the current CDMA standard, since all CDMA mobile services have ceased to operate in Australia.

During 2009–10, the ACMA participated in Communications Alliance and Standards Australia working committees and reference panels to review the requirements of the following standards and guidelines:

- > AS/ACIF S042.1:2008 *Requirements for Connection to an Air Interface of a Telecommunications Network – Part 1: General*—to review the requirements for mobile phones consistent with those of satellite phones and the Emergency Call Service Determination requirements
- > AS/CA S042.4:2010 *Requirements for Connection to an Air Interface of a Telecommunications Network – Part 4: IMT-2000 Customer Equipment*—to allow for customer equipment designed for use in connection with an IMT-2000 (3G) public mobile telecommunications service (PMTS)
- > CA G642:2010 *Installation of Broadcast Cabling and connection of Digital Broadcast Equipment to a Telecommunications Network*—to replace an out of date industry standard for digital broadcaster interfaces
- > AS/NZS 60950.1:2010 *Information Technology Equipment – Safety Part 1: General Requirements*—to adopt the international standard IEC 60950-1, Edition 2.0:2005.

The ACMA expects several of these standards to be incorporated into the regulatory arrangements during the next reporting period.

Radiocommunications standards

In managing the supply of radiocommunications devices, the ACMA engages with the radiocommunications industry through its involvement with Standards Australia working committees RC4 and RC6. Standards Australia is the national standards development organisation and undertakes this work through an open and consultative process that includes comprehensive public consultation.

The ACMA mandates appropriate aspects of industry radiocommunications standards by way of standards made under section 162 of the Radiocommunications Act. The ACMA's radiocommunications standards may adopt the industry standard in whole or in part and include specified variations for Australian conditions as required. The ACMA undertakes this work in an open, consultative process that includes comprehensive stakeholder consultation.

The ACMA's radiocommunications laboratory provides a testing facility—accredited by the National Association of Testing Authorities (NATA)—capable of testing equipment for compliance with these standards.

The requirement to label devices scoped by these standards is given effect through the Radiocommunications Devices (Compliance Labelling) Notice 2003.

The Radiocommunications (Short Range Devices) Standard 2004 automatically adopts the latest published version of the applicable industry standard AS/NZS 4268, for these devices. During 2009–10, an amendment to AS/NZS 4268:2008 was published and consequently became mandatory in accordance with the ACMA standard.

All other ACMA radiocommunications device standards adopt a fixed version of the applicable industry standard and, when a new version is published, the ACMA standard must be amended to adopt it. Where an amendment is made to these industry standards, the ACMA standards automatically adopt the amendments.

During 2009–10, Standards Australia Committees (RC4 and RC6) revised or are in the process of revising the following industry standards. Where the date of publication is shown as 20XX, the standard is not yet published.

- > AS/NZS 4365:20XX *Radiocommunications equipment used in the UHF citizen band radio service*—the new standard will provide limits and test methods to align with the 12.5 kHz channel width requirements of the 400 MHz band restructure.
- > AS/NZS 4268:2008 *Radio equipment and systems – Short range devices – Limits and methods of measurement*—the amendment improves alignment with international practices and with new technology and applications. The amendment also makes editorial corrections, clarifies requirements in several areas including design, construction and accessibility of certain controls, and clarifies the relationship with referenced ETSI standards.
- > AS/NZS 4768:2010 *Digital radio equipment operating in land mobile and fixed services bands in the frequency range 29.7 to 1GHz*—the new standard includes alternative requirements for fixed remote devices. The ACMA is considering mandating this standard.
- > AS/NZS 4583:2010 *Amplitude modulated equipment for use in the aeronautical radio service in the frequency range 118 MHz to 137 MHz*—the new standard includes an alternative compliance path largely aligned with European requirements and also makes various corrections and clarifications to the earlier version. The ACMA is considering mandating this standard.
- > AS/NZS 62320:2010 *Maritime navigation and radiocommunication equipment and systems - Automatic identification systems (AIS) – Part 1: AIS base stations – Minimum operational and performance requirements, methods of testing and required test results*—the ACMA is considering mandating this standard.

- > AS/NZS 4280.1 & .2:2003 *406 MHz satellite distress beacons – Marine emergency position-indicating radio beacons (EPIRBs) (IEC 61097-2:2002, MOD) and 406 MHz satellite distress beacons – Personal locator beacons (PLBs)*—the ACMA is unlikely to mandate these standards as the changes made do not impact on the current mandatory requirements already adopted in the previous version of these standards.
- > AS/NZS 4415.1:20XX Part 1 and 2 *Radiotelephone transmitters and receivers for the maritime mobile service operating in the VHF bands – Technical characteristics and methods of measurement*—this is currently being reviewed to bring up to date.

Electromagnetic compatibility standards

The ACMA has responsibility under the Radiocommunications Act for the regulation of electromagnetic compatibility (EMC).

The EMC regulatory arrangement objectives are:

- > to minimise electromagnetic emissions from electrical and electronic devices that could disrupt radiocommunications services, while maximising opportunities for Australian industry in international markets
- > to facilitate importation of products that will benefit the Australian community.

The EMC regulatory arrangements comprise two major elements:

- > Technical standards for electromagnetic emissions (EMC technical standards) made under section 162 of the Radiocommunications Act.
- > Compliance (including record-keeping and labelling) requirements made under section 182 of the Radiocommunications Act.

Under an arrangement concluded in October 2007, Standards Australia Technical Committee TE-003 (which is responsible for developing EMC technical standards in Australia, including input to the development of international EMC technical standards) recommends to the ACMA the technical standards to be referenced in the EMC regulatory arrangements. Consistent with Australia's World Trade Organization obligations, the EMC regulatory arrangements utilise international standards for EMC to the maximum extent practicable.

In September 2009, the ACMA sought public comment on proposed amendments to the Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008 (the EMC Labelling Notice).

Following the public consultation, the ACMA introduced amendments to the EMC Labelling Notice into the following categories:

- > scope (identifying which devices are subject to the EMC Labelling Notice)
- > threshold (defining the compliance levels within the EMC Labelling Notice)
- > labelling requirements
- > record keeping requirements.

The amendments ensure an appropriate balance between the public policy objectives of EMC regulation—to reduce the likelihood of interference between devices and to manage the noise floor—and minimisation of the administrative and financial burden on industry.

Standards and codes for digital television

Under the Broadcasting Services Act, the ACMA may determine performance characteristics for broadcast transmitters and broadcast reception equipment operating in digital mode. The ACMA can be directed by the minister under section 14 of the ACMA Act regarding the exercise of its powers, including its codes and standards powers.

When considered in conjunction with principles of good regulatory practice, the codes and standards provisions allow for a graduated regulatory response that can be tailored to circumstances where there is an identified market failure or to address significant risk of market failure.

Parental lock standard

On 15 February 2010, the minister wrote to the ACMA directing the ACMA to, as soon as practicable:

- > determine a technical standard under subsection 130B(1) of the BSA to mandate parental lock in digital television reception equipment
- > consider whether to request industry codes that deal with electronic program guides (EPGs) and equipment labeling schemes.

The explanatory statement accompanying the minister's direction stated it was the government's intention that, together with the classification of television content already in place under the commercial television industry code of practice, mandating parental lock in digital television receivers would further protect children from viewing material which may be inappropriate or harmful and support parents and guardians in protecting their children from such content.

On 24 February 2010, the ACMA released a discussion paper describing the approach it intended to take in responding to the minister's direction, and seeking stakeholder comments on related issues. The closing date for comments was 2 April 2010. The ACMA received 13 submissions to the discussion paper which can be viewed on the ACMA website.

It is expected that the resulting Broadcasting and Datacasting Services (Parental Lock) Technical Standard 2010 will be determined by the ACMA early in the 2010–11 financial year.

In the first instance, the ACMA does not intend to request industry codes that deal with either EPGs or an equipment labelling scheme to denote compliance with the standard. The ACMA will continue to monitor industry activity for both matters to determine whether either type of code may be appropriate in the future.

Electronic program guide principles

On 2 June 2009, the ACMA published a set of EPG principles to assist free-to-air digital television broadcasters by providing them with a clear performance benchmark for EPG services that the ACMA would find acceptable. The ACMA developed the EPG principles in consultation with broadcasters to assist the development of free-to-air digital television services that meet viewers' needs and competition concerns.

When it published the EPG principles, the ACMA indicated it would monitor broadcaster performance against the principles when deciding whether to exercise its regulatory powers (for example, to request an industry code or develop an industry standard) regarding the provision of EPG data. To that end, since June 2009 the ACMA has monitored broadcaster performance against the principles and reported publicly on the results on a quarterly basis.

During 2009–10, the ACMA's monitoring identified a number of areas in which broadcasters had failed to act in accordance with the EPG principles. For example, in some cases particular broadcasters had failed to provide a minimum of seven days schedule information, and in other cases failed to ensure that the program start times listed in the present/following section of their EPGs accurately reflected the times that the programs actually went to air. In most cases, underperformance identified during 2009–10 was successfully resolved by the ACMA in liaison with the broadcasters involved. As at 30 June 2010, one significant performance issue (regarding the accuracy of present/following program start times) remained outstanding. The ACMA anticipates that this issue will be resolved by broadcasters by early 2010–11.

As at 30 June 2010, with consideration to the results of its monitoring activity and the willingness of broadcasters to resolve performance issues when brought to their attention by the ACMA, the ACMA had identified no reason to examine the use of its regulatory powers for EPG services.

Case study

Improving the quality of digital TV electronic program guides

Value-adding features made possible by the transition to digital broadcasting will be important factors in promoting the take-up of digital television in Australia. In particular, electronic program guides (EPGs) provide significant value to consumers both as a convenient source of program schedule information and by contributing to the effective operation of reception equipment features such as parental lock.

In recognition of the importance of EPG services to consumers, in June 2009 the ACMA published its EPG principles to improve the completeness and accuracy of EPG services provided by free-to-air broadcasters.

The EPG principles were developed in consultation with broadcasters, to provide a clear performance benchmark for the supply of EPG data that meets viewers' needs. In summary, the principles state that each broadcaster should provide free, unencrypted EPG data in its digital television transmissions, including:

- > accurate information about the present and following programs being aired (including starting times)
- > a minimum of seven days of program schedule information
- > accurate and useful parental guidance rating information in accordance with the applicable television broadcasting industry codes of practice.

There is no formal requirement for broadcasters to comply with the EPG principles. Instead, the principles provide broadcasters with an opportunity to meet agreed EPG service standards without the introduction of regulations. When it published the EPG principles, the ACMA undertook to consider broadcaster performance against the principles when deciding whether to exercise its regulatory powers in relation to EPGs.

The ACMA's monitoring to June 2010 has identified a significant improvement in general EPG performance levels over the period since the EPG principles were introduced. Performance issues identified by the ACMA have been raised with the relevant broadcasters and have generally been resolved by the broadcasters within reasonable timeframes. While one significant performance issue (regarding the accuracy of program start times listed in the present/following section of some broadcasters' EPGs) remained outstanding as at June 2010, the ACMA anticipates that this issue will be resolved by early 2010–11.

The development of EPG principles provides a good example of how, by working cooperatively with members of the communications industry toward an agreed consumer-focussed goal, the ACMA can facilitate a positive outcome for the Australian community without the need for regulatory intervention.

Cabling regulation

The ACMA's approach to the regulation of customer cabling includes:

- > overseeing the industry-managed cabling registration scheme
- > monitoring and enforcing compliance with cabling regulatory requirements
- > supporting greater cabling industry self-regulation
- > promoting consumer and industry awareness of regulatory arrangements of customer cabling.

Cabling registration scheme

Cabling Provider Rules (CPRs) are based on an industry-managed national registration system. Five industry bodies are currently accredited by the ACMA to be registrars under CPRs and these registrars issue registrations to cablers.

At 30 June 2010, there were 64,587 cablers registered under CPRs. The ACMA continues to monitor the performance of registrars in meeting their contractual obligation to provide registration services to the cabling industry. The ACMA works with registrars to improve reporting arrangements and monitor service delivery levels across the industry through quarterly meetings of the Registrars' Coordinating Committee. The ACMA also meets quarterly with the Cabling Advisory Group (CAG) on technical issues and related cabling policy, which includes a wide range of representatives from the cabling industry.

The ACMA has streamlined administrative processes associated with the cabling registration scheme. Amendments to the instruments associated with the CPRs were implemented in the second half of 2009.

Consumer and industry awareness of cabling regulation

The ACMA has continued to promote awareness of cabling regulations and their application by making information brochures available to consumers, registered cablers and registrars. Print-based advertising was also included in a variety of trade publications. In addition, the ACMA makes available bumper stickers to registered cabling providers promoting the 'Play it safe—only use a registered cabler' campaign message.

The ACMA participated in industry seminars and conferences to promote the CPRs and provide information about cabling regulation developments. The ACMA also contributed articles and regular features about technical or regulatory issues to trade and industry publications and newsletters distributed by registrars to registered cablers.

Telecommunications infrastructure regulation

Carriers' rights and obligations

Schedule 3 of the Telecommunications Act gives carriers the power to inspect land to determine whether it is suitable for the carrier's purposes, install certain facilities on the land and maintain a facility that is situated on the land.

The Telecommunications (Low-impact Facilities) Determination 1997 specifies the types of facilities, known as 'low-impact' facilities, which carriers are entitled to install without seeking state, territory or local government planning approval. Low-impact facilities include small radiocommunications antennae and dishes that are erected on existing towers or buildings, underground and above ground housings, underground cables, public payphones and temporary emergency facilities. Low-impact facilities are subject to certain restrictions on size, colour and location.

The installation of telecommunications facilities that fall outside the scope of the Low-impact Facilities Determination are likely to require approval by relevant state, territory or local planning authorities. In exercising their powers to inspect land, install certain facilities and maintain infrastructure, carriers must comply with conditions specified in the Telecommunications Code of Practice 1997.

Under the code, carriers must notify the owner and occupier of the land about their activities, ensure as little detriment and damage as possible is caused by the activity and restore the land to a condition similar to the condition it was before the activity commenced.

The ACMA may investigate suspected breaches of the Telecommunications Act, the Code of Practice and industry codes registered by the ACMA.

Enquiries and complaints about carriers' rights and obligations

In 2009–10, the ACMA received one complaint on matters covered by Schedule 3 of the Telecommunications Act, and advice was provided to the complainants. The ACMA also received 137 enquiries from local councils, solicitors, landowners and the public relating to Schedule 3 of the Telecommunications Act and the Code of Practice.

Deployment of mobile phone network infrastructure

The planning and installation of mobile phone network infrastructure is subject to the requirements imposed by the Industry Code ACIF C564:2004 *Deployment of Mobile Phone Network Infrastructure* (the industry code). It is registered by the ACMA under Part 6 of the Telecommunications Act.

The industry code requires carriers to consult with local councils and the community on the placement of certain mobile phone facilities, typically low-impact facilities. Through a complaints process, the ACMA monitors carrier compliance with the industry code and has the power to issue formal warnings and directions to carriers to comply with the code. With complaints concerning possible contraventions of the industry code, the ACMA may, in accordance with Part 26 of the Telecommunications Act, make preliminary inquiries of the respondent to decide whether it has the power to investigate the matter or whether, in its discretion, it should investigate the matter.

In 2009–10, the ACMA received 11 complaints and 48 enquiries relating to the industry code. Of the complaints received, including two complaints that progressed to preliminary inquiries, the ACMA considered that the matters raised were not sufficient to substantiate a claim of carrier contravention of the industry code. Carriers conducted an estimated 1,580 consultations under the code during this period.

The ACMA promotes a common understanding and interpretation of the requirements of the code through feedback to individual carriers and operational practices meetings. These meetings are attended by representatives from Telstra, Optus and Vodafone Hutchinson Australia and from the Mobile Carriers Forum (MCF). MCF is an industry group representing the mobile phone carriers in Australia.

Electromagnetic energy standards

The ACMA's electromagnetic energy (EME) health exposure regulatory arrangement requires a wide range of radio transmitter installations and portable equipment, such as mobile phone handsets, to comply with EME limits set out in a standard published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The ARPANSA Standard is based on guidelines from the internationally recognised International Commission for Non-ionizing Radiation Protection (ICNIRP), which have been adopted by many other countries. The EME arrangement addresses possible adverse health effects without unnecessarily compromising the benefits that radiocommunications technologies bring to modern living.

To ensure that there is compliance with the EME exposure limits, licensees need to have their transmitter installations assessed, and manufacturers and importers of mobile phones and similar equipment must have their products tested for compliance before supply is permitted to the Australian market. Significant penalties apply for breaches of the EME arrangement.

The World Health Organization (WHO) report on the Interphone Study was released on 17 May 2010. The Interphone Study was undertaken by the International Agency for Research on Cancer (IARC), an agency of the WHO.

The Interphone Study examined whether the use of mobile phones is associated with an increased risk of some cancers in the head and neck.

The Interphone Study concluded that:

- > overall, no increase in the risk of glioma or meningioma was observed with the use of mobile phones
- > there were suggestions of an increased risk of glioma at the highest exposure levels of exposure (cumulative call time), but biases and error prevent causal interpretation
- > the possible effects of long-term heavy use require further investigation.

The ACMA will continue to work closely with ARPANSA to ensure that the ACMA's regulatory arrangements continue to reflect the ARPANSA Standard.

Submarine cable protection

Submarine cables carry the bulk of Australia's international voice and data traffic and contribute significantly to the Australian economy.

Schedule 3A of the Telecommunications Act permits the ACMA to declare protection zones over nationally significant cables and to prohibit or restrict activities that pose a risk of damaging cables in these zones. The legislation establishes offences for damaging a cable or for breaching prohibitions and restrictions, and creates penalties for these offences. Australia currently has three submarine cable protection zones; two off the Sydney coast and one off the Perth coast.

No new submarine cable protection zones were considered during 2009–10.

The legislation also provides for a permit regime that requires carriers to obtain a permit from the ACMA to install a new submarine cable within a protection zone and outside a protection zone. This regime provides for more consistent and efficient cable planning and encourages the co-location of new cables in existing protection zones. No cable operators applied for installation permits in 2009–10.

The ACMA is required to conduct a legislative review of the operation of Schedule 3A five years after it was enacted (September 2010) and report to the minister. In December 2009, to meet this statutory obligation, the ACMA released a discussion paper seeking feedback on the regime. The report to the minister will be finalised in year 2010–11.

While the ACMA is not responsible for enforcing the rules in the protection zones, it does monitor such compliance action.

Compliance investigations

The ACMA works with the communications and media industries to establish compliance with legislation, codes, licence conditions and other regulatory instruments. The ACMA also registers and monitors compliance with industry codes developed by the communications industry.

The ACMA accepts complaints from industry and the public about telecommunications cabling, compliance by suppliers of devices subject to the radiocommunications, telecommunications, human exposure to electromagnetic energy and electromagnetic compatibility compliance labelling arrangements. The ACMA complaint-handling strategy seeks to engage cooperatively with both the complainant and the subject of the complaint, resulting in fewer matters escalated for formal investigation. In 2009–10, the ACMA handled 21 complaints relating to cabling and 110 complaints relating to compliance labelling arrangements. As a consequence, the ACMA initiated 110 investigations into compliance of those devices with the applicable compliance and labelling arrangements. The investigations resulted in the issuing of four warning notices and two advice notices.

Radiocommunications

The ACMA conducts investigations into suspected contraventions of the Radiocommunications Act and subordinate instruments relating to the operation of radiocommunications transmitters. These contraventions include unlicensed operation of transmitters, breaches of licence conditions and breaches of offence provisions relating to interference.

The ACMA applies a principles-based approach to compliance and enforcement which:

- > recognises the capacity of regulated entities to become compliant
- > conducts compliance and enforcement action cooperatively at first, leaving in reserve more punitive sanctions for more serious non-compliance

- > ensures that enforcement responses are proportional to the seriousness and risk to the regulatory arrangements
- > maintains flexibility and preparedness to escalate and de-escalate compliance action
- > reflects the idea that cooperative approaches using education and awareness are preferred in the first instance but recognising that a range of escalated compliance actions are available, as demonstrated in the examples below.

This approach supports and enables the effective and efficient achievement of compliance objectives such that any regulatory burden imposed by the ACMA compliance activities is the minimum necessary to achieve the intended compliance outcome.

Prohibited devices—Education and awareness principles at work

Mobile phone jammers have been prohibited devices under section 189 of the Radiocommunications Act since 1999. During 2009–10, an analysis of compliance data highlighted a compliance risk in this area. This was the result of increased reports of mobile phone jammers detected by other agencies and complaints from industry about online suppliers advertising mobile phone jammers. Further analysis and research identified Australian-based suppliers actively promoting mobile jammers for sale through online and local stores. A compliance strategy was crafted which targeted suppliers for education and awareness in the first instance, in accordance with the ACMA compliance principles. The result of that strategy has been that all suppliers contacted have appropriately disposed of existing stock and provided undertakings to cease supply. This approach reduced the risk to spectrum utility and interference to mobile phone users without imposing an undue burden on industry, in accordance with the established compliance principles.

Supplier auditing program—Compliance surveillance principles at work

The ACMA conducts an auditing program of suppliers registered with the ACMA to use the C-tick for consumer electrical and electronic devices and the A-tick for consumer devices such as mobile phones. The auditing program seeks to ensure compliance with the labelling and record keeping requirements for products supplied by the registered supplier under the Radiocommunications Act and Telecommunications Act.

The labelling and record keeping requirements are contained in the:

- > Radiocommunications Labelling (Electromagnetic Compatibility) Notice 2008
- > Radiocommunications Devices (Compliance Labelling) Notice 2003
- > Radiocommunications (Compliance Labelling – Electromagnetic Radiation) Notice 2003
- > Telecommunications Labelling (Customer Equipment and Customer Cabling) Notice 2001.

The ACMA has significantly increased the level of audit activity this year in advance of more significant changes to its compliance approach (see Table 20). This increase not only lifts the ACMA's market presence, but provides a useful data set on compliance levels. It is anticipated that this data will be used as an evidence base from which the ACMA can derive intelligence about the markets it regulates. This intelligence will inform the ACMA's future compliance strategies as well as the maintenance and development of the regulatory arrangements.

Table 20: Audits of registered suppliers, 2008–09 and 2009–10

Action type	Number of actions	
	2008–09	2009–10
Audits conducted	94	313
Failed audits	16	102
Significant failures (note 2008–09 figures are based on the number of advice or warning notices issued to suppliers).	7	22

Licensing compliance—Statutory enforcement principles at work

During 2009–10, the ACMA conducted 75 investigations into non-compliance with the transmitter licensing regulatory arrangements and issued 51 compliance actions (see Table 21). The ACMA also cancelled two radiocommunications apparatus licences following investigations into complaints from industry and the public.

The ACMA investigated complaints of frequent antisocial behaviour causing harmful interference to the Wireless Institute Civil Emergency Network (WICEN) and to amateur radio station operators legitimately using the spectrum. The ACMA found that an operator in the amateur service was breaching a condition of his licence. The breaches included causing interference to other stations, failing to use a call sign and transmitting unmodulated carriers. Despite repeated warnings to the licensee, the ACMA found that non-compliance continued over an extended period of time. As a result, the ACMA cancelled the amateur advanced licence held by the operator. Licence cancellation is a significant deterrent for conduct which causes harmful interference.

The ACMA also investigated a complaint about a low power open narrowcasting (LPON) broadcast station that was alleged to be operating at a power level 10 times greater than that allowed by the licence. LPON services are designed to service small geographic areas, however as a result of the increased transmitter power, the station’s service area approached that of a commercial broadcasting service. Field strength measurements conducted by compliance staff confirmed a breach of licence conditions. The non-compliance continued to occur despite the ACMA repeatedly warning the licensee and, as a result, the ACMA cancelled the LPON licence.

LPONs

LPON services cater for the provision of niche radio broadcasting services to an audience in a limited area of reception (for example, tourist information services) or for a regular event. LPONs are very low power, not more than one watt in residential areas and not more than 10 watts in rural areas. LPON licences are also subject to conditions relating to operation of the service: the ‘use it or lose it’ provisions. When a complaint is made about the failure to provide an LPON service, ACMA staff conduct an investigation that takes into account the complaint and the licensee’s response. In considering an appropriate compliance response to the complaint, the ACMA also considers how to ensure that the LPON spectrum is being used to provide a service to the public in accordance with the licence conditions.

In 2009–10, the Administrative Appeals Tribunal (AAT) affirmed a decision by the ACMA to cancel an LPON licence for a breach of licence conditions by the operator in respect to failing to commence the service within the statutory timeframe. Because the unused licence was cancelled, the operating frequency became available to the market for reallocation. This contributed to one of the key objects of the legislation, as noted by the AAT: ‘to maximise, by ensuring the efficient allocation and use of the spectrum, the overall public benefit derived from using the radiofrequency spectrum’.

Table 21: Radiocommunications investigations, 2008–09 and 2009–10

Action type	Number of actions	
	2008–09	2009–10
Radiocommunications-related investigations	165	75
Advice notices issued	20	3
Warning notices issued	50	6
Notices related to unlicensed operation of a transmitter	20	42

Table 22: LPON investigations, 2008–09 and 2009–10

Action type	Number of actions	
	2008–09	2009–10
LPON investigations conducted	23	26

Radiocommunications interference management

The ACMA completed implementation of its new service delivery model in September 2009 after commencing to introduce it in a previous reporting period.

The ACMA introduced a new service model for its field operations after identifying its previous service delivery model (where it had a local presence in several regional centres) was no longer the most cost effective model. This review was informed by the following:

- > technology improvement had reduced the volume of interference resolution work
- > industry was better equipped to operate around interference issues and resolve issues itself
- > the equipment required by ACMA technical staff to perform field operations work is now portable, enabling staff to travel by air to perform field operations activities.

The ACMA now has 34 staff in five offices responsible for field operations tasks such as investigating and resolving complaints about interference to radiocommunications services. Staff are based in Brisbane, Canberra, Hobart, Melbourne and Sydney and have access to 22 specially equipped vehicles.

Key field operations activities include:

- > managing radiocommunications and broadcasting interference complaints
- > conducting investigations
- > taking digital television field strength measurements to support the Coverage Evaluation Program (see *Signal measurement and field analysis* on page 40 for more information)
- > compliance activities (audits and site inspections)
- > radiocommunications support for major events (for example, the Australian Formula 1 Grand Prix and the Red Bull Air Race)
- > HF monitoring and investigation from the Quoin Ridge facility.

In its implementation of the new service model, the ACMA focussed on seven key areas:

- > achieving a consistent approach across Australia

- > ensuring that compliance activities are aligned with strategic priorities
- > reinforcing the operational role of field officers
- > completing a skills and knowledge strategy
- > undertaking a systems review
- > considering the business need for local offices
- > ensuring that the role, workload and classification of inspectors were appropriate to the new service model.

The Quoin Ridge monitoring and investigation facility near Hobart is a primary means of investigating, locating and eliminating harmful interference to the HF band from national and international sources. The information is gathered and forwarded to international regulators to help resolve interference to international services with reciprocal requests to international regulators to help resolve local interference issues.

The ACMA investigates complaints about radiofrequency interference to radiocommunications equipment. Interference is divided into two categories: radiocommunications interference and domestic systems interference. Radiocommunications interference is interference affecting a radiocommunications receiver that may be used typically in commercial, public safety and recreational services. Domestic systems interference refers to interference to reception of licensed radio or television services in domestic premises.

A failure to comply with technical standards or transmitter licence conditions may result in interference to radiocommunications. To determine compliance with the regulatory framework, the ACMA regularly conducts interference tasks and site audits.

During the reporting period, the ACMA responded to 536 complaints of interference to radiocommunications services and 465 complaints of interference to domestic radio and television broadcast reception. In addition to responding to reported interference, the ACMA inspected 214 radiocommunications sites for compliance with transmitter licence conditions. As a result of interference investigations and site inspection activities, the ACMA issued 206 compliance actions (see Table 23).

In the reporting period, the ACMA responded to 211 complaints of interference to mobile telecommunications networks. A further 65 radiocommunications complaints involved interference to public protection radio services, including interference to emergency services radio networks and air traffic communications. The ACMA processed all radiocommunications interference complaints related to safety-of-life issues immediately on receipt. Of the public protection complaints that were affected by external interference, the ACMA resolved 86 per cent of these within 45 days. The ACMA also located 30 inappropriately activated emergency position indicating radio beacons.

Special events

The 2010 Australian Formula 1 Grand Prix, Melbourne, 27–28 March 2010

As part of its risk management process, the Australian Grand Prix Corporation, the event organisers for both the Australian Formula 1 Grand Prix and the Moto Grand Prix, contracts the ACMA to provide radiocommunications frequency coordination and interference resolution services. Field Operations staff involved in supporting these events were faced with a range of technical issues involving interference to the race organisers, international race teams and to both local and international television and broadcast services.

Telecommunications

The ACMA's approach to telecommunications code compliance

The ACMA has an extensive ongoing compliance program which addresses industry code compliance on consumer protection issues through audits, education and, where necessary, formal compliance action against providers. The ACMA identifies and addresses areas of concern in consultation with other bodies such as the Telecommunications Industry Ombudsman (TIO).

The ACMA's code compliance approach is shown in Figure 5. This provides the ACMA with a suite of actions, allowing a graduated use of regulatory measures using the minimum power or intervention necessary to achieve the desired result. The approach provides transparency to the industry on the likely steps that the ACMA will take in situations where it believes that code breaches need to be addressed. The ACMA retains the discretion to decide where an individual matter falls within the approach, and may decide it is appropriate to consider urgent or important matters at higher categories on a case-by-case basis.

Table 23: Radiocommunications compliance actions, 2008–09 and 2009–10

Action type	Number of actions	
	2008–09	2009–10
Advice notices issued	109	144
Warning notices issued	72	62

ACMA field officers, Peter Arnett and Andrew Sabo, investigating an interference issue at the Australian Formula 1 Grand Prix, Melbourne, 27–28 March 2010.



In general, the ACMA applies the framework in a graduated manner. The aim of this approach is to enhance the effectiveness of co-regulatory telecommunications codes and the quality of the consumer experience. The approach is designed to encourage industry compliance with codes through support, education, communication, cooperation and deterrence. It incorporates a program of compliance measures, both proactive and reactive, supported by enforcement action where necessary.

Code compliance activity

In 2009–10, the ACMA addressed 159 code compliance matters affecting telecommunications consumers. The ACMA has relied primarily on statistics provided by the TIO to inform its compliance activity. A summary of the ACMA's code compliance actions undertaken in 2009–10 against the Figure 5 framework is in Table 24.

In 2009–10, the ACMA revised its approach to code compliance, undertaking a smaller number of audits but focusing these more closely on providers with increasing complaint numbers, rather than making broad industry assessments. The assessments undertaken were more deeply analytical than those of past years and made more frequent use of the ACMA's formal powers.

Reconnecting the Customer public inquiry

On 20 April 2010, the ACMA's Chairman announced during his speech at the *CommsDay Summit 2010*, that the ACMA would undertake a formal public inquiry into customer service and complaints-handling in the telecommunications industry—the *Reconnecting the Customer* public inquiry.

The inquiry was prompted by:

- > the ACMA's concern that the current self- and co-regulatory arrangements which underpin telecommunications consumer protection mechanisms may not deal with the issues of most concern to consumers
- > the 54 per cent increase in complaints to the TIO in 2008–09, including a 130 per cent increase in complaints about complaints-handling and a 72 per cent increase in complaints about customer service.

Table 24: Code compliance actions, 2009–10

Code	Level 1— Preliminary enquiries	Level 2— Investigation	Level 3— Breach finding
Billing—TCP Code Chapter 6	6	2	1
Complaint Handling—TCP Code Chapter 9	60	6	4
Consumer Contracts—TCP Code Chapter 5	1	0	0
Credit Management—TCP Code Chapter 7	21	0	0
Customer Transfer—TCP Code Chapter 8	0	1	0
Prices, Terms and Conditions—TCP Code Chapter 4	44	1	0
TCP code and Priority Assistance	0	10	0
Calling Number Display	1	1	0

The inquiry is a key part of the ACMA's consumer protection strategy for the next 12 months and will:

- > identify systemic causes of dissatisfaction with complaints-handling and related customer service matters
- > identify 'best practice' standards for complaints-handling and customer service in the telecommunications industry
- > assess the extent to which current regulatory and institutional arrangements support or hinder the adoption of adherence to best practice
- > identify enduring solutions to systemic problems having regard to the nature of the rapidly changing communications environment.

The ACMA will conduct research, issue consultation documents, seek submissions and hold workshops and public forums during the inquiry.

Terms of reference and a consultation paper inviting submissions will be released in August 2010.

The inquiry will report its findings to the Authority. Further recommendations may also be made to the government.

Telecommunications complaints

The following sections relate to investigations conducted in accordance with particular provisions of the Telecommunications Consumer Protection Code (TCP Code).

Complaint-handling

As part of its response to the upward trend in complaints to the TIO about complaint-handling issues, the ACMA undertook a detailed assessment of the compliance of seven carriage service providers with clause 9.1.8 of the TCP Code. Clause 9.1.8 of the code requires carriage service providers to record, identify and resolve complaint issues requiring attention.

This investigation involved a detailed analysis of the target providers' compliance policies and processes.

The ACMA used its formal information-gathering powers to require relevant information from the targeted providers about their complaint-handling processes.

Five out of the seven providers were initially compliant. One provider was initially non-compliant but became compliant by undertaking internal complaint analysis.

Due to its non-compliance with clause 9.1.8 of the TCP Code, the ACMA issued a direction to comply to Soul Communications Pty Ltd in April 2010.

The ACMA is also gathering statistical information about compliance with the TCP Code from 24 providers with consecutive quarters of increasing TIO complaints in the areas of complaint-handling and customer service.

The information being collected is about:

- > complaints resolved on first contact
- > complaints resolved within 30 days
- > the actioning of undertakings made to consumers
- > whether and when the complainant is informed about the outcome of the complaint.

Billing and complaint-handling

The ACMA undertook an assessment of the compliance of five carriage service providers with clauses 6.3 and 9.1 of the TCP Code. The providers were selected for assessment based on TIO complaint statistics.

Clause 6.3 places requirements on the bills issued by providers and clause 9.1 requires carriage service providers to have adequate complaint-handling processes.

The ACMA assessed providers' compliance with both clauses using a similar process to that described for complaint-handling.

The aim of the assessment was to ensure the providers have adequate processes in place to resolve consumer billing complaints.

Out of the five providers assessed, two were initially compliant.

Three providers—Edirect Pty Ltd (trading as VIPtmobile), iiNet Limited and TPG Internet Pty Ltd—were issued a direction to comply with elements of clause 9.1.8 of the TCP Code, which requires providers to identify recurring or systemic problems and prevent recurrence.

In July 2009, the ACMA issued a direction to Jason Kenneth McKay trading as Web Ace to comply with clauses 6.4.3, 6.5.3(a), 9.1.1(d), 9.1.2, 9.1.4, 9.1.8, 9.2.4, 9.2.5, 9.2.6, 9.2.7 and 9.2.8 of the TCP Code. The ACMA found that Mr McKay was breaching billing requirements by processing direct debits from credit card accounts without the authority of the customer. Customers were not given the opportunity to view, query or dispute their bills prior to the direct debit taking place. The ACMA also found that Mr McKay was failing to respond to complaints. Mr McKay is no longer operating as a carriage service provider.

Customer information on prices, terms and conditions

In response to a suggestion from its Consumer Consultative Forum, the ACMA is assessing the compliance of 44 carriage service providers with clauses 4.2.1(a) and 4.2.1(g) of the TCP Code.

Under clause 4.2.1(g), suppliers are required, on request, to inform a customer with a disability of any telecommunications product that is available to address the customer's requirements and how to effectively use the product. Providers were selected based on the December 2009 quarter TIO complaint statistics.

As part of its assessment, the ACMA wrote to the providers asking for details of the processes that they have in place to deal with such requests. The ACMA also requested details of the forms of these requests and how many complaints had been received about the availability of information on such products and their uses for customers with a disability. The ACMA is using its formal information-gathering powers to obtain the necessary information from providers who did not respond to the initial request.

Of those who responded, their processes for providing information to customers about clause 4.2.1(a) are sufficient to meet the broadly stated requirement. For the more specific clause 4.2.1(g), very little information is kept by providers on such requests. Most requests are dealt with at the point of sale or via customer service staff, and not necessarily identified as this type of request. The ACMA will encourage further discussion of the issue during the TCP Code review.

Customer transfer

Following concern arising from TIO complaint statistics, the ACMA used its information-gathering powers to investigate the compliance of a carriage service provider with the customer transfer provisions of the TCP Code. The provisions aim to ensure a seamless and informed transition for a customer from one provider to another. The company has since gone out of business.

General compliance with Telecommunications Consumer Protections Code

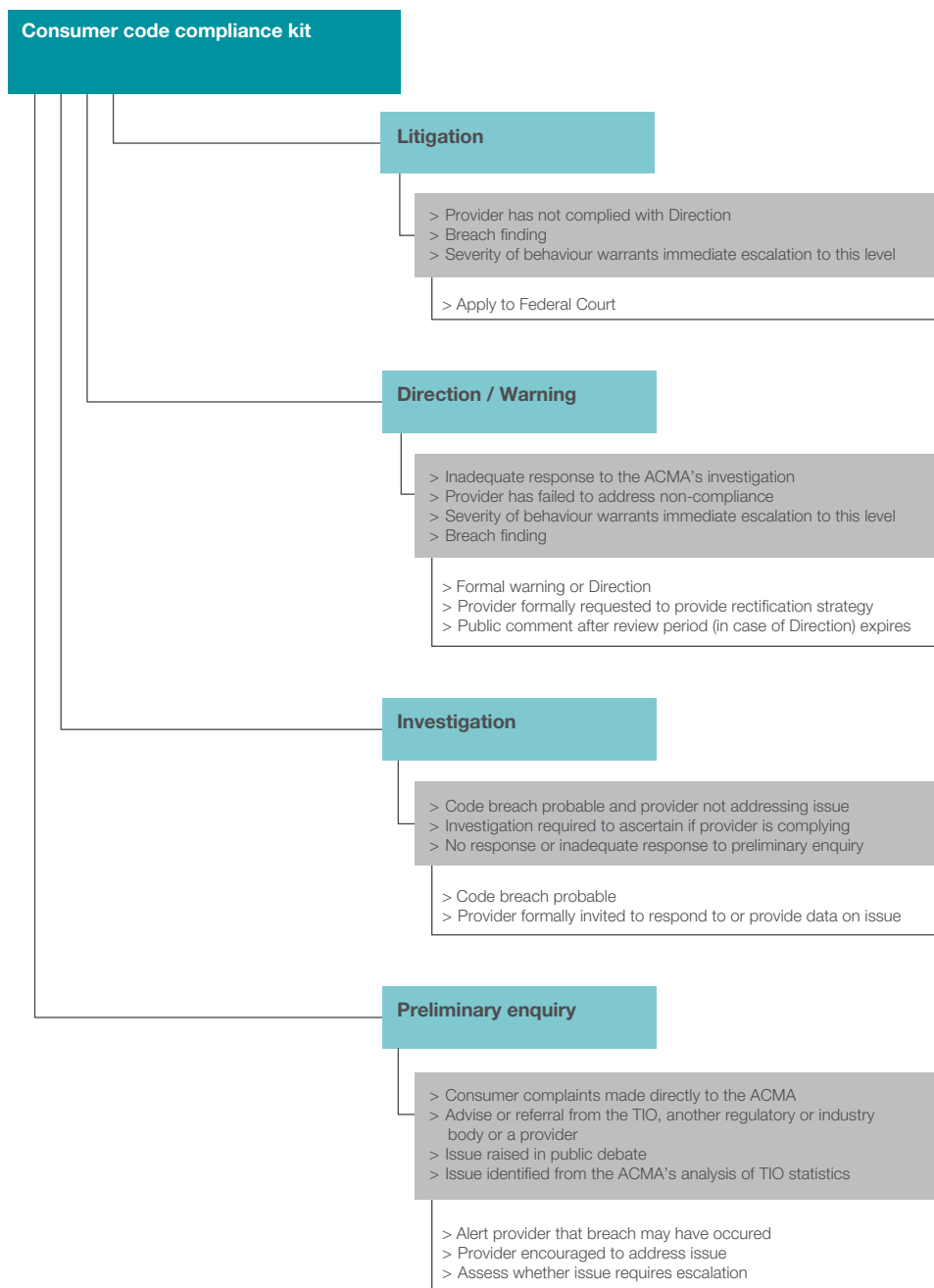
The ACMA has assessed the broad practices of 10 carriage service providers to establish their compliance with the TCP Code. The ACMA is liaising with the providers following initial findings of non-compliance.

The ACMA became concerned about another provider's general compliance with the TCP Code after considering the TIO statistics in the January to September 2009 quarters. The ACMA used its information-gathering powers to obtain information in order to assess its compliance. The ACMA has now assessed its response and requested ongoing quarterly reports about compliance with Chapter 9 of the TCP Code. It will be required to provide details regarding its handling and analysis of complaints, including processes it has undertaken to rectify and eliminate underlying causes of complaints.

Calling number display

The ACMA received a complaint regarding a provider who was apparently charging a fee for the permanent blocking of calling number display (CND) on their fixed-line service. The customer was able to resolve the matter directly with the provider at a later date. The ACMA has requested that the provider put appropriate customer service and complaint-handling training in place.

Figure 5: The ACMA's approach to telecommunications code compliance matters



Consumer Consultative Forum

The Consumer Consultative Forum (CCF) is established under section 59 of the ACMA Act to assist the ACMA to perform its functions relating to consumers.

Chaired by the ACMA's Deputy Chair, the CCF allows for discussion between consumer representatives, industry bodies and regulators about communications issues affecting consumers.

In 2009–10, the forum met twice: 30 October 2009 and 31 March 2010. Topics discussed at these meetings included:

- > consumer safety and the internet
- > capped mobile phone plans
- > customer service among telecommunications providers
- > the ACMA's research program
- > major regulatory developments overseas
- > the Telecommunications Consumer Protections Code review
- > consumer behavioural economics.

On 4 November 2009, the ACMA also sponsored a seminar hosted by the Australian Communications Consumer Action Network in Sydney. The seminar focused on responsive regulation and effective policy making.

Telemarketing and fax marketing

The ACMA is responsible for enforcing the *Do Not Call Register Act 2006* (the DNCR Act), which prohibits most types of telemarketing calls and marketing faxes being made or sent to numbers on the Do Not Call Register.

The ACMA also enforces the Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 (Telemarketing Industry Standard), which establishes minimum standards in four main areas:

- > restricting the calling hours/days for making telemarketing and research calls
- > requiring provision of specific information by the caller
- > providing for the termination of calls
- > requiring callers to use calling line identification.

If consumers receive telemarketing calls or marketing faxes more than 30 days after registering their number on the Do Not Call Register, they can lodge a complaint with the register operator online, by telephone or by post. Where a complaint raises a potential contravention of the DNCR Act and/or the Telemarketing Industry Standard, the register operator forwards the complaint to the ACMA for action.

Complaints

During 2009–10, a total of 11,229 complaints were received. Of these, 9,308 raised potential contraventions of the DNCR Act and/or the Telemarketing Industry Standard and were forwarded to the ACMA. The remaining 1,921 were handled by the register operator.

Figure 6 shows the complaints received each month during 2009–10, compared to the complaints received each month during 2008–09. The total number of telemarketing and fax marketing complaints received represents a 5.47 per cent increase when compared with 2008–09.

Complaint numbers steadied during 2009–10, although there was a spike in complaints in January and February 2010 as a result of telemarketing activity by the insulation installation industry. Figure 7 shows the trend in complaint receipt on a quarterly basis, for the past three financial years, from July 2007 to June 2010.

Figure 6: Telemarketing and fax marketing complaint receipt by month, 2009–10 compared to 2008–09

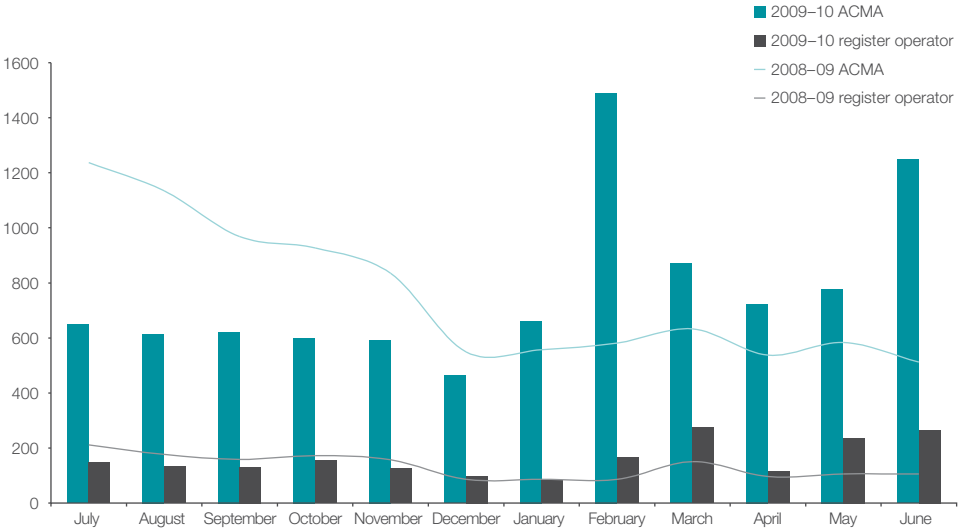


Figure 7: Telemarketing and fax marketing complaint receipt by quarter, July 2007 to June 2010



When a complaint is forwarded to the ACMA by the register operator, the ACMA conducts an assessment of the complaint and classifies whether it raises any potential contraventions of the DNCR Act and/or Telemarketing Industry Standard. There are four broad classification types:

- > complaints about a prohibited call or fax to a registered number (potential contravention of the DNCR Act)
- > complaints about a call that did not meet one of the minimum industry requirements (potential contravention of the Telemarketing Industry Standard)
- > complaints that raise a potential contravention of both the DNCR Act and the Telemarketing Industry Standard
- > complaints that, after assessment by the ACMA, do not raise any potential contraventions of the DNCR Act or the Telemarketing Industry Standard.

Figure 8 shows the classification of the complaints received by the ACMA during 2009–10.

The telecommunications sector continues to be a significant source of complaints, accounting for 23.5 per cent of the complaints received by the ACMA during 2009–10. Other major industries accounting for complaints include insulation with 17 per cent and contracted call centres with 11.8 per cent.

Figure 9 shows the breakdown of complaints by industry sector, where the consumer was able to identify the business that called them. During 2009–10, 16 per cent of complaints were recorded against ‘other’ categories of business. Companies that are assigned to the ‘other’ category are usually small businesses that operate disparate type businesses such as cleaning, fitness or pest control services.

Figure 8: Classification of the complaints received by the ACMA during 2009–10

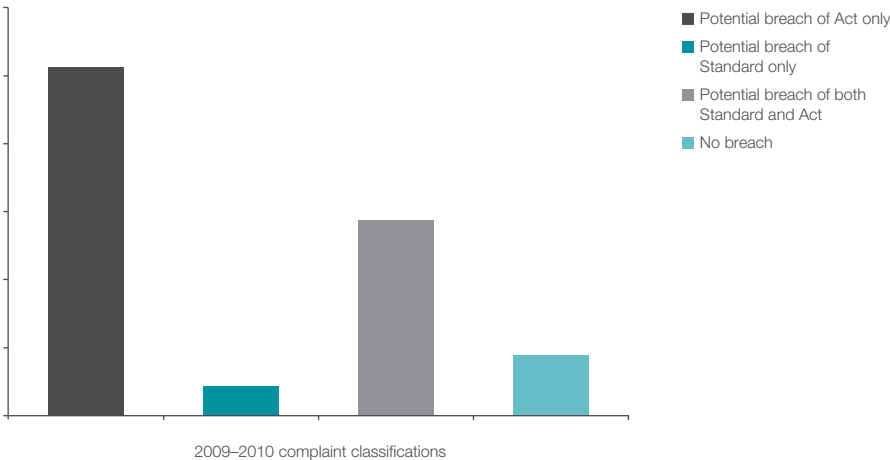


Table 25 shows the ACMA's telemarketing and fax marketing complaint-handling performance. Performance in 2009–10 bettered the ACMA's target complaint-handling timeframes.

The ACMA's approach to telemarketing and fax marketing compliance

In approaching compliance, the ACMA focuses on reducing the number of prohibited telemarketing calls received by consumers whose numbers are on the Do Not Call Register. This is achieved through:

- > education
- > a tiered warning system
- > formal investigations and enforcement action.

The ACMA's general approach to compliance is to try to resolve a matter, where appropriate, without using its formal powers. Where complaints are received, the ACMA generally issues an advisory letter to the relevant business providing it with an opportunity to review its compliance arrangements as necessary to address the apparent issues.

If a business continues to be the subject of consumer complaints, it will generally receive a follow-up warning letter advising that any further complaints may be the subject of a formal investigation.

The majority of businesses act on an advisory or warning letter from the ACMA, and consumer complaints about them stop. During 2009–10, the ACMA issued 207 advisory letters and 27 warning letters to businesses that had been the subject of consumer complaints.

Figure 9: Telemarketing and fax marketing complaints by industry sector, 2009–10

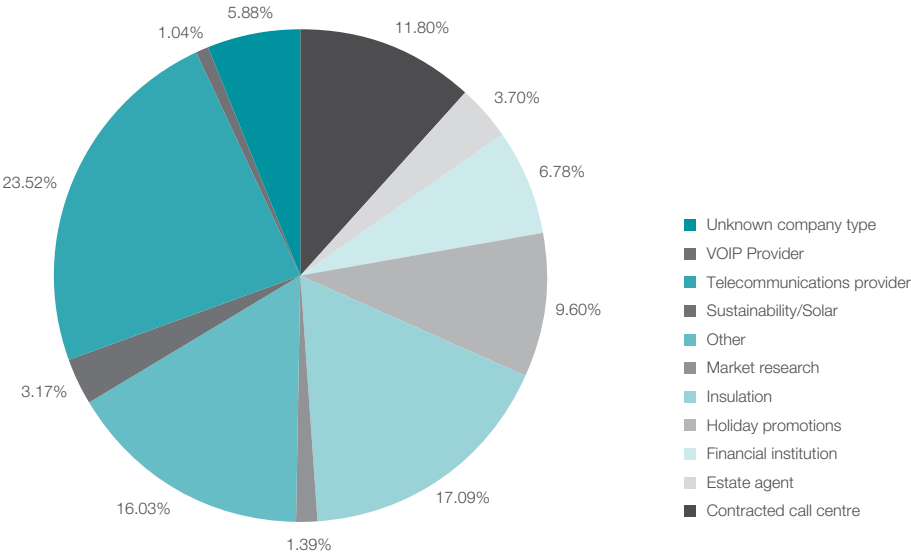


Table 25: ACMA's telemarketing and fax marketing complaint-handling performance, 2009–10

Measure (days)	Target (per cent)	Performance (per cent)
7	50	69.4
14	75	87.3
21	90	92.6

In overseeing compliance with the legislation, the ACMA has balanced a willingness to work with industry with a readiness to take formal action where required.

During 2009–10, the ACMA released a new Do Not Call Register complaint-handling policy. The document, available on the Do Not Call Register website, provides clear and detailed information for the public about how the ACMA deals with telemarketing and fax marketing complaints, and how it approaches compliance with the DNCR Act and Telemarketing Industry Standard.

Investigations and enforcement

During 2009–10, the ACMA finalised 13 investigations into alleged contraventions of the DNCR Act. Enforcement actions arising from investigations included:

- > giving four infringement notices, ranging from \$1,100 to \$101,200
- > accepting seven enforceable undertakings
- > issuing six formal warnings
- > commencing proceedings against one company in the Federal Court.

Some of the key investigation outcomes achieved during 2009–10 include:

- > In August 2009, Telstra paid an infringement notice of \$101,200 following the ACMA's investigation. This investigation found that inadequate compliance systems, procedures and supervision had contributed to calls being made to numbers on the register by one of Telstra's external call centres in Australia where the consumers were not existing Telstra customers. Telstra also entered into a court enforceable undertaking with the ACMA, which included the appointment of an external consultant to review Telstra's systems and procedures for compliance with the DNCR Act.

- > In December 2009, the ACMA completed its first investigation of a call centre, 24x7 Direct, which is based in Melbourne. As a result of this investigation, the business paid an infringement notice of \$8,800 and entered into a court enforceable undertaking with the ACMA.
- > As part of the completion of a broader real estate industry compliance campaign, in April 2010 the ACMA finalised its first investigation of a real estate business, Bruce Harry Real Estate. This business paid an infringement notice of \$6,600 after the ACMA's investigation found it had called numbers on the register. The business also entered into a court enforceable undertaking directed at ensuring future compliance.

New registrant survey

In January 2010, the ACMA commenced an online survey of new registrants. On a monthly basis, around 1,200 new registrants are surveyed approximately six to eight weeks after they register. The purpose of the survey is to assess registrants' satisfaction with the register and the overall effectiveness of the register. During the first six months of the survey, results have shown that 90 per cent of people who place their home phones on the register notice a reduction in the number of telemarketing calls they receive. Figure 10 and 11 respectively show the effectiveness of registration for home phone and mobile phone registrants.

Figure 10: Consumer survey results—Effectiveness of register for home telephone numbers

Since registering your home telephone number on the Do Not Call Register have you noticed:

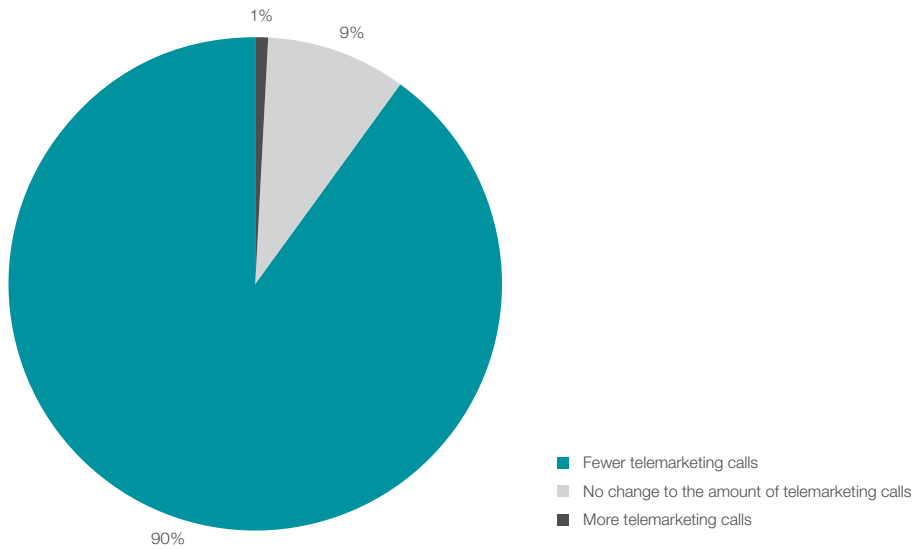
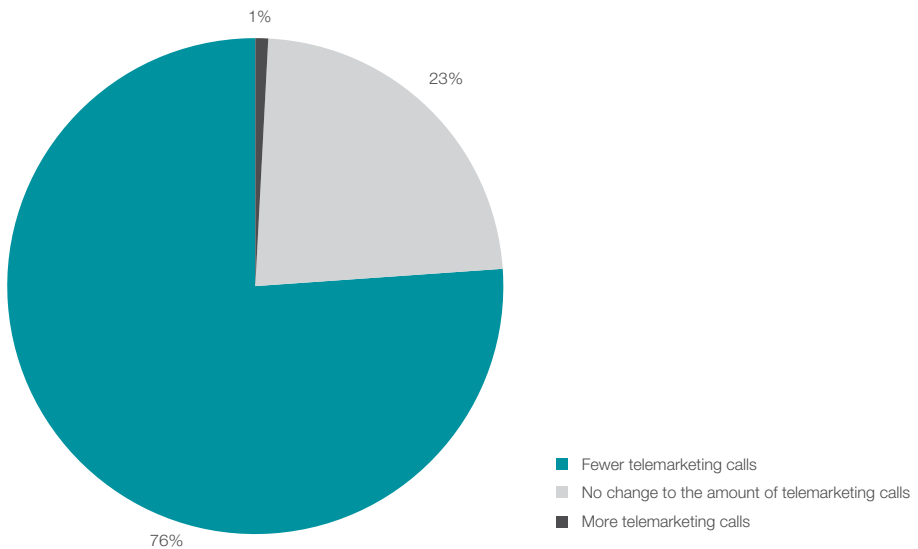


Figure 11: Consumer survey results—Effectiveness of register for mobile numbers

Since registering your mobile telephone number on the Do Not Call Register have you noticed:



Industry liaison and education

During 2009–10, the ACMA completed an education and awareness campaign aimed at improving the real estate industry's understanding of, and compliance with, the DNCR Act. This campaign incorporated education (including the publication of a web page on the ACMA website addressing issues specific to the real estate industry), the development of a PowerPoint presentation for training use by agents and their staff, and the development of an industry specific information sheet. In addition, the ACMA wrote directly to approximately 200 real estate agencies that had been the subject of consumer complaints.

In January 2010, in response to a significant number of complaints received about insulation installers calling numbers on the register, the ACMA commenced an 'insulation installer initiative'. This initiative was aimed at educating and informing members of the insulation industry about their legislative responsibilities, and included the development of industry specific information on the ACMA's website for the home insulation industry.

Following the expansion of the Do Not Call Register on 30 May 2010 to cover fax marketing, the ACMA undertook a fax marketing education and liaison program. This included:

- > contact with key industry stakeholders and engagement with individual fax marketers
- > distribution of information packs to industry
- > establishment of a fax marketing industry web page
- > development of industry forums, to be held in major cities during July 2010.

International engagement

The ACMA engages with international regulators on telemarketing compliance issues to:

- > seek investigatory assistance in particular cases
- > facilitate information sharing and cooperation, more generally.

The ACMA has engaged the support of five overseas regulators (in the United States, Hong Kong, the United Kingdom, India and Canada) to establish an online discussion and information-sharing forum for international Do Not Call Register regulators.

The ACMA is currently in the process of establishing the forum.

Refer to page 133 for more information about the Do Not Call Register.

Key findings of research into community attitudes to unsolicited communications

In June 2009, the ACMA conducted a research survey of more than 1,600 Australians aged over 18 years to determine attitudes towards unsolicited communications, in particular the Do Not Call Register and spam, and to gauge the level—and source—of awareness of the Do Not Call Register.

The survey found that awareness of the register is high, as is the level of interest in registering among those not currently on the register. Around one in three Australian adults (32 per cent) have registered a home or mobile telephone number on the register. The majority of numbers registered are home telephone numbers, with only six per cent of adults registering both their mobile and home telephone numbers.

The register appears to have been very effective, particular for those who have their home phone number registered. Numbers not registered currently may be attributed to people who have not yet attended to registering, or who do not experience problems with telemarketing calls.

The majority of those who listed a number on the register (95 per cent) claimed the registration process was easy, and the most common method of registration (60 per cent) was the online channel. Approximately 80 per cent of registrants reported they received fewer telemarketing calls since registering their phone numbers.

For spam, the results showed that, while a high number of people were aware of what spam is, only 28 per cent were aware there were laws in Australia against spam. Of these people, 44 per cent were aware that the law covers SMS. Email spam continues to be a significant problem with email users claiming to receive about 23 spam emails per week, compared to two SMS spam messages per month.

The ACMA was pleased to learn that spam recipients overwhelmingly deleted spam they received without opening it. The use of spam filters is common, with 86 per cent of respondents claiming to use some kind of spam filter.

A key finding of the survey was a lack of awareness about how to go about making a telemarketing or spam complaint. Nearly one in four respondents had considered making a complaint, but had not gone through with it.

Anti-spam

Spam complaint and report handling

The ACMA is responsible for the enforcement of the *Spam Act 2003* (the Spam Act), which requires that all commercial electronic messages—including emails, SMS and MMS messages, and instant messaging—be sent with the recipient's consent, clearly identify the sender and include a functional unsubscribe facility.

Members of the public can lodge complaints, reports and enquiries about spam on the ACMA's website, by telephone and by SMS. During the year, the online forms for contacting the ACMA about spam were streamlined and revised to enhance accessibility. The ACMA developed a spam complaints-handling policy that is available on the website. The concept of being able to 'report' spam through the ACMA's website, without expressing a grievance or making a complaint, has proven a popular option to advise the ACMA about spam activity.

The ACMA responds in writing to each complaint or written enquiry with the target of actioning 90 per cent of these complaints and enquiries within eight days. In 2009–10, the ACMA met this performance indicator in seven of the 12 months. Failure to meet this target can be attributed to the 49 per cent increase of spam-related complaints and reports received by the ACMA in the financial year.

On 9 June 2010, the ACMA launched its Spam SMS service for the public to quickly and easily report spam by SMS. Spam SMS is a dedicated number—0429 999 888—that the public can use to forward spam SMS messages directly to the ACMA. The Spam SMS launch was held at the Phoenix Youth Centre in Footscray, Victoria.

To add colour and energy to the event, artists from the Footscray Community Arts Centre produced an exciting graffiti artwork to help the ACMA promote the new initiative. The artwork, photographs and the video of the launch will be used to promote Spam SMS.

Spam SMS contributed to a record number of spam SMS reports, with 398 received in the testing phase (from 31 March until launch on 9 June) and 395 received after the launch on 9 June. This contributed to a 58 per cent increase on reports and complaints of SMS spam from the previous year. Twenty-eight per cent of Spam SMS reports were what appear to be SMS-based scams.

In addition to Spam SMS, the streamlining of the online complaints and reporting process and positive media coverage of enforcement outcomes resulted in the receipt of 6,828 contacts from members of the public about spam, including 5,929 complaints and reports of spam (see Table 26 and Figure 12).

The record number of spam complaints and reports received during the year showed an increase of 49 per cent from 2008–09. The total number of complaints and reports received about email spam was 4,211, a 30 per cent increase over last year. SMS and MMS complaints and reports increased by 73 per cent, totalling 1,718 during the year (see Table 27). The ACMA has received 18,101 complaints, reports and enquiries since the Spam Act commenced.

Enforcement

During 2009–10, the ACMA was successful in obtaining declarations and injunctions, in addition to penalties of \$22.25 million, regarding seven respondents in the ACMA's first Federal Court action involving SMS spam.

Artists from the Footscray Community Arts Centre participating in the ACMA's Spam SMS launch at the Phoenix Youth Centre, Footscray, 9 June 2010.



The ACMA alleged that Mobilegate Ltd, Winning Bid Pty Ltd, Jobspy Pty Ltd and other parties were involved in a complicated scheme to establish fake dating website profiles to obtain mobile telephone numbers from genuine dating website users. SMS messages were then sent to the mobile numbers offering premium SMS chat services. Messages were charged at approximately \$5 per message. Judgment for an eighth respondent is pending.

Also in the Federal Court, the ACMA was successfully granted declarations and injunctions against Lance Thomas Atkinson for causing more than 100,000 email messages to be sent advertising herbal products, watches and other items. A penalty of \$210,000 was also imposed.

The ACMA's investigation was conducted with the assistance of the United States Federal Trade Commission and the New Zealand Department of Internal Affairs, both of whom have also taken action against Mr Atkinson.

During the year, the ACMA accepted eight enforceable undertakings with financial components totalling \$280,000. One undertaking included an at risk component, which requires Big Mobile Pty Ltd to pay compensation to recipients in the event that it sends messages in contravention of the Spam Act during the term of the undertaking.

Table 26: Trends in complaints, enquiries and reports to the ACMA about spam, 2006–07 to 2009–10

	2006–07	2007–08	2008–09	2009–10
Complaints	1,831	3,014	3,947	3,017
Enquiries	1,103	743	635	899
Reports	n/a	n/a	n/a	2,912
Total	2,934	3,757	4,582	6,828

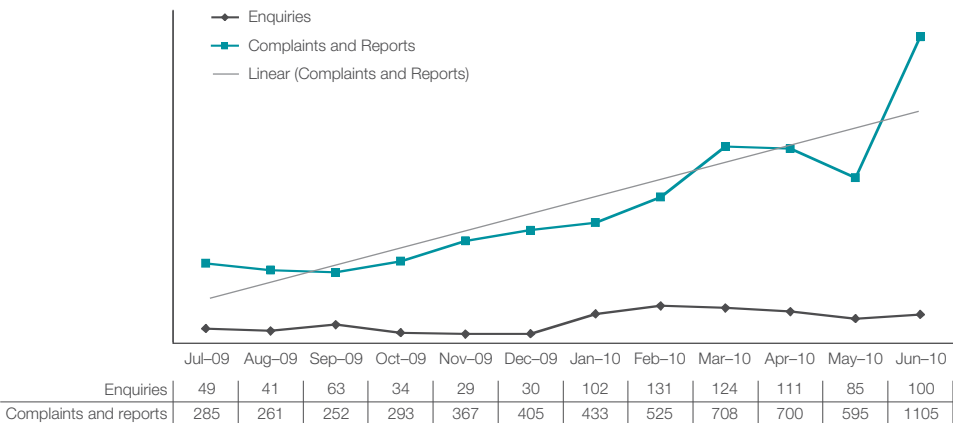
Note: This data does not include reports received through SpamMATTERS.

Table 27: Trends in complaints and reports about email and SMS messages, 2006–07 to 2009–10

	2006–07	2007–08	2008–09	2009–10
Email	1,325	2,421	2,995	4,211
SMS/MMS	506	588	992	1,718

Note: This data does not include reports received through SpamMATTERS.

Figure 12: Complaints, reports and enquiries made about spam July 2009–June 2010



Enforceable undertakings were accepted from:

- > MYOB Australia E1 Pty Ltd (\$8,000)
- > Vodafone Hutchison Australia Pty Ltd (\$110,000)
- > Big Mobile Pty Ltd (at risk)
- > New Dialogue Pty Ltd (\$22,000)
- > Commonwealth Securities Pty Ltd (\$55,000)
- > Funmobile Australia Pty Ltd (\$55,000)
- > Virgin Mobile Pty Ltd (\$22,000)
- > Best Buy Australia Pty Ltd (\$8,000).

During the reporting period, a formal warning was given to Coca-Cola South Pacific Pty Ltd for alleged breaches of the Spam Act arising from a marketing campaign that promoted certain Coca-Cola products through SMS. The ACMA's education campaign for the real estate industry about spam and telemarketing has resulted in one formal warning for a Wollongong based real estate agent so far. The ACMA issued a total of four formal warnings during the year.

At 30 June 2010, the ACMA was undertaking approximately 20 ongoing mid-level and major investigations relating to alleged breaches of the Spam Act. The ACMA also sent out 1,156 emails and 16 preliminary letters during the year to companies and individuals informing them about the requirements of the Spam Act.

Focus for 2010–11: Alerting consumers to Spam SMS

In July 2009, the ACMA issued a media alert concerning a lottery scam targeting Australians. A handful of further reports were received about the scam. In June 2010, in response to a number of spam SMS reports concerning a World Cup oriented lottery scam, the ACMA issued a media release encouraging Australians to report the scam messages using the ACMA's Spam SMS service. The ACMA subsequently received in 56 further reports about the scam. This shows the contribution that the Spam SMS service has made to raising public awareness of SMS as spam. During 2010–11, the ACMA will continue to promote the Spam SMS service.

SMS provides an affordable distribution method for a targeted marketing message, particularly in the hospitality and service industries. However, low awareness of the inclusion of SMS in the Spam Act has been evidenced in Spam SMS reports.

Compliance issues with the requirements of clear and accurate sender identification and unsubscribe notification are regularly occurring. Targeted, industry-specific education campaigns will be used to raise awareness of the Spam Act and the requirements for compliance.

Detection initiatives

During 2009–10, the ACMA designed and built a new spam analysis system—the Spam Intelligence Database (SID). SID is a unique system capable of analysing hundreds of thousands of spam email messages per day.

The system currently accepts spam reports submitted by users of Telstra BigPond webmail accounts, other spam reporting mechanisms, the ACMA's own spam traps, and third party spam traps.

SID extracts data from all components of an email and stores this data in such a way that it can be categorised, linked to data from other emails with similar characteristics, and searched on widely varying criteria.

The information indexed and collated through SID's processes is substantial and enables the ACMA to identify commonalities between otherwise distinct spam messages, which can lead to increased visibility of a spammer's activities. This additional information also enables identification of the varying methods used to send spam.

The data contained in SID assists the ACMA, law enforcement agencies and overseas regulators to track down spammers and take action against them.

International cooperation

The ACMA is actively involved in international efforts to fight spam and enhance e-security. International cooperation is important as more than 99.5 per cent of spam received in Australia is sourced from overseas.

The ACMA is a founding member of the London Action Plan (LAP), a prominent anti-spam international collaboration committed to promoting international spam enforcement cooperation, addressing spam-related problems and facilitating the open exchange of information and intelligence between LAP members. The LAP provides an opportunity for the ACMA's active participation with other relevant Australian and international law enforcement bodies.

At 30 June 2010, the LAP had 36 government members, 43 industry participants and five observers. In 2009–10, the ACMA participated in eight teleconferences with other organisations represented in the LAP and attended the 5th Joint LAP-CNSA Workshop held in Portugal in October 2009.

The ACMA chaired and provided secretariat services to the first Seoul–Melbourne Multilateral Memorandum of Understanding on Cooperation in Countering Spam (MOU), which had 13 members representing 10 Asia–Pacific economies and expired in May 2010. In 2009–10, there were three meetings of the MOU group. A new MOU was agreed upon and signed by MOU signatories in May 2010. The Korean Information Security Agency is chair and secretariat of the group for the first twelve months of the new MOU. The new MOU will continue the established objective of sharing information between members about spam activity relevant to the member’s jurisdiction.

The ACMA travelled to Kiribati, on behalf of the International Telecommunication Union, in September 2009 to present to an ICT workshop for government officials on spam and e-security issues. The visit enhanced relationships between the ACMA and the Asia–Pacific in the global fight against spam.

The ACMA continues to receive assistance from overseas agencies in the exchange of information and shares information on anti-spam activities and trends.

Broadcasting complaints and investigations

The ACMA conducts various types of investigations under the Broadcasting Services Act (BSA). Investigations under Part 11 of the BSA are generally conducted in response to complaints received by the ACMA relating to:

- > a possible breach by a licensed broadcaster of the BSA, the regulations, a licence condition, a class licence or a code of practice
- > a possible breach by the ABC or SBS of a code of practice.

Role of the ACMA

The ACMA receives complaints directly from people about possible breaches of the BSA, the regulations, licence conditions and class licences. The ACMA’s role in dealing with complaints under industry codes is prescribed by the BSA.

Under section 148 of the BSA, a code complaint must be made first to a licensee and can only be made to the ACMA if the complainant has not received a response within 60 days or is not satisfied with the licensee’s response. In addition to investigations triggered by complaints, the ACMA can instigate its own investigation and the Minister for Broadband, Communications and the Digital Economy can direct the ACMA to conduct an investigation.

The ACMA’s performance of its role is informed by section 5 of the BSA, which requires the ACMA to, among other things:

- > produce regulatory arrangements that are stable and predictable
- > deal effectively with breaches of the legislation
- > use its powers in a manner that is commensurate with the seriousness of the breach concerned.

This requires the ACMA to use its enforcement powers appropriately and to identify the most effective and proportionate way of dealing with breaches.

The ACMA’s powers

The ACMA has a range of powers to enable it to deal effectively with breaches of the rules (including, in particular, the program standards and licence conditions) established by the BSA or the codes developed under the BSA, all in a manner commensurate with the seriousness of the breach.

Where there has been a breach of a code, the ACMA may accept an enforceable undertaking for the purpose of securing future compliance with the code or impose an additional licence condition under section 43 of the BSA requiring a licensee to comply with the code (for example, if there is a number of breaches by a licensee of the same obligation).

For a licence condition to be imposed under section 43 of the BSA, the ACMA first needs to give the licensee written notice of its intention to impose the licence condition. The licensee must be given a reasonable opportunity to make representations to the ACMA about the proposed licence condition and the proposed licence condition must be published in the Commonwealth Gazette before becoming effective. The licensee can apply for the ACMA’s decision to be reviewed by the Administrative Appeals Tribunal.

If a licence condition is successfully imposed and a licensee breaches such an additional licence condition, and as an alternative to suspending or cancelling the licence, the ACMA has power to issue a remedial direction requiring compliance. In the event that the licensee does not comply with a remedial direction, the ACMA may:

- > pursue a civil penalty
- > refer the matter for prosecution as an offence
- > suspend or cancel the licence
- > at any time, accept an enforceable undertaking (including provisions dealing with compliance with a code).

If the ACMA has convincing evidence that codes of practice have failed to provide appropriate community safeguards concerning a matter, it can determine a new program standard to apply to a particular section of the broadcasting industry.

Complaints process—Codes of practice

If a person wishes to complain about something of concern they have seen or heard on a program broadcast by a radio or TV station, and the matter is covered by a code of practice, the person must, by law, first make a written complaint to the station.

The table below, Table 28, includes investigations that, during the reporting period, have resulted in formal enforcement action. The ACMA may also informally agree to accept measures by broadcasters to improve compliance following breaches of codes of practice. For example, the ACMA has, on many occasions, agreed measures with licensees involving action intended to ensure compliance problems are addressed by licensees.

Table 28: Summary of broadcasting complaints and investigations

Written complaints and enquiries received	1,676
Written complaints and enquiries actioned within timeframe of seven days	1,538 (92%)
Investigations completed	189
Investigation resulting in breach findings	74
Investigations regarding compliance with Broadcasting Services Act	0
Investigations regarding compliance with licence conditions or standards	30*
Investigations regarding compliance with codes of practice	44
Investigations resulting in non-breach findings	111
Investigations regarding compliance with Broadcasting Services Act	0
Investigations regarding compliance with licence conditions or standards	34
Investigations regarding compliance with codes of practice	77
Investigations concluded where, for example, the complaint is withdrawn	4
Investigation completed within timeframe of six months	171 (90%)
Investigations resulting in enforcement action	
2Day commercial radio—The ACMA imposed an additional condition on the licensee's licence. The condition is intended to provide increased protection for children participating in programs broadcast by the licensee. It includes the requirement that the licensee regard the welfare and wellbeing of the child as paramount and act accordingly.	
FOXTEL Pty Ltd—Enforceable undertakings provided regarding classification of Naked Wild On and other programs.	
Super Radio licensees, 2EL, 2HC and 2PM—Remedial directions regarding additional compliance reporting and compliance training for a two-year period.	
Section 21 Opinions	
Applications for section 21 opinions received	1
Applications for section 21 opinions actioned within statutory timeframes	1
Applications for section 21 opinions remaining to be actioned at 30 June 2010	0

* Some investigations that resulted in breach findings against compliance with licence conditions or standards may also result in breach findings of compliance with codes of practice. For the purposes of the annual report these investigations have only been counted once. For further details, see Appendix 7.

The numbers of complaints and investigations about radio and television licensees' compliance with codes of practice, licence conditions, standards and the BSA are provided in Table 28. Details of breach and non-breach findings by state and territory and category of broadcasting service are in Appendix 7.

Community broadcasting inquiries

During the reporting period, the ACMA received 650 inquiries about community broadcasting matters including:

- > requirements for setting up a temporary or long-term community radio broadcasting service
- > the process for changing the transmission site or increasing the transmission power for a community broadcasting service
- > whether the ACMA is allocating community licences for the digital transmission of community radio or community television services
- > the procedure for making a complaint that a community station is not complying with a licence condition or a code of practice.

Control

ACMA's broader role taking in media ownership and control rules is discussed under *Ownership and Control* on page 34. There were no formal investigations into ownership and control in the 2009–10 financial year.

Category-of-service opinions

Section 21 of the Broadcasting Services Act allows a person who is providing, or who proposes to provide, a broadcasting service to apply to the ACMA for an opinion as to which category of broadcasting service the service falls into. During the reporting period, the ACMA provided one such opinion, which is the same as provided in the previous reporting period.

Category-of-service opinions must be provided to applicants within strict statutory deadlines. The opinion provided by the ACMA during the reporting period was within the required statutory timeframes. Under the BSA, the ACMA can only make its opinion public once the service has commenced.

Children's Television Standards

In 2009–10, the ACMA investigated one matter under the Children's Television Standards 2005 (CTS) relating to TCN Channel Nine Pty Ltd's (Nine) broadcast of the Children's (C) program, *The Shak*, on 19 August 2009.

The ACMA found that Nine's broadcast of the prize-giving segment during this C program, where the principal program personalities and presenters endorsed and recommended a commercial product, was in breach of the CTS. The ACMA further found the segment was not clearly distinguishable from the program material, also in breach of the CTS.

In breaching these provisions of the CTS, Nine also breached a condition of its licence, set out in Schedule 2 of the BSA. Nine also breached the Commercial Television Industry Code of Practice July 2004 as the program hosts or regular presenters promoted a product, in this case a scooter.

Nine accepted the ACMA's findings and agreed to undertake measures to ensure future compliance. These measures include reviewing C programs prior to broadcast, implementing a training program to give its employees a reasonable knowledge and understanding of the CTS, and reporting to the ACMA on the outcome of these programs.

Anti-terrorism standards

The ACMA commenced an investigation into the broadcast of the Al-Manar Television service in Australia via an overseas-based satellite company. The investigation has broad terms of reference which were published on the ACMA website on 4 February 2010. The investigation covers a range of Al-Manar Television program material broadcast into Australian territory between December 2008 and January 2010. The material for the investigation is being assessed against the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008, the class licence conditions for open narrowcasting and the open narrowcasting television codes of practice to determine compliance with current regulation. The investigation is expected to be concluded by the end of 2010.

Anti-siphoning provisions

The ACMA conducted an investigation to determine whether Foxtel breached the anti-siphoning provisions in the Broadcasting Services Act. The investigation examined Foxtel's acquisition of the rights to televise the quarterfinals, semifinals and finals of the French Open Tennis Tournament 2009 and the British Open Golf Championship 2009 (together, 'the events'). The events are included on a list specified by the minister, under section 115 of the Broadcasting Services Act.

The investigation commenced in July 2009 following a total of 13 complaints about the level of coverage of the events on Foxtel and the Nine Network.

The ACMA found no evidence that Foxtel acquired the rights to the events prior to commercial television licensees having the rights to televise the events. Accordingly, there was no breach of the anti-siphoning provisions. Please refer to the ACMA's regulatory role in Chapter 3 for further information about the operation of the anti-siphoning rules.

Commercial radio standards

Six investigations were undertaken within the reporting period, three of which resulted in breach findings. Please refer to Appendix 7 for information about broadcasting investigation outcomes.

Investigations under the advertising standard

On 21 December 2009, the ACMA published Investigation Report 2180 which found that Prime Radio (Cairns-AM) Pty Ltd (Prime Radio), the licensee of commercial radio station 4EL Cairns, breached the Broadcasting Services (Commercial Radio Advertising) Standard 2000 (the Advertising Standard) during the *John Mackenzie Show* by failing to present advertising in a manner that is clearly distinguishable from other program material. The investigation considered whether an interview between Mr Mackenzie, the presenter of the *John Mackenzie Show*, and the managing director of a development company constituted an advertisement.

On 16 February 2010, the ACMA found that Harbour Radio Pty Ltd, the licensee of Radio 2UE, had not breached the Advertising Standard during the *Jason Morrison Drive Time* program on 9 February 2010 as advertisements were presented in such a manner that the reasonable listener was able to distinguish them from other program material.

On 6 May 2010, the ACMA published Investigation Report 2302, which found that Prime Radio, the licensee of commercial radio station 4EL Cairns (Radio 4CA), breached the Advertising Standard during the *John Mackenzie Show* by failing to present advertising material in a manner that was clearly distinguishable from other program material. The investigation considered whether the paid appearances of the mayor of Cairns Regional Council on the *Ask the Mayor* segment of the *John Mackenzie Show*, constituted an advertisement. The ACMA found that a substantial purpose of the paid appearances of the mayor was to promote the Cairns Regional Council's products and services.

As Prime Radio has implemented a policy to broadcast explicit statements, such as '... this has been a paid presentation on behalf of ...' to acknowledge all paid appearances, the ACMA did not take any further action in these investigations.

Investigations under the disclosure standard

On 22 December 2009, the ACMA found that Triple M Melbourne Pty Ltd, the licensee of 3MMM, had not breached the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 (the Disclosure Standard) during *Hot Breakfast with Eddie McGuire* as it was not considered to be a 'current affairs program' for the purposes of the Disclosure Standard.

On 14 January 2010, the ACMA found that Richmond River Broadcasters Pty Ltd, the licensee of commercial radio station 2LM, had breached Part 5 of the Disclosure Standard by failing to notify the ACMA of a commercial agreement between a presenter of a current affairs program and sponsor within 14 days after the licensee was notified of the particulars of the commercial agreement. The ACMA noted the licensee had published the particulars of the commercial agreement on their website in accordance with clauses 9 and 10 of the Disclosure Standard, promptly took remedial action in regard to the breach of clause 11 of the Disclosure Standard, and had implemented policies and procedures to ensure future compliance. Accordingly, on this occasion, the ACMA did not take any further action.

On 10 March 2010, the ACMA found that 6PR Perth Pty Ltd, the licensee of Radio 6PR, had not breached the Disclosure Standard or the Advertising Standard during *Mornings with Simon Beaumont* as there was no ‘commercial agreement’ with the West Australian Police for the purposes of either the Disclosure Standard or the Advertising Standard.

Licensees of Ten, Nine and Seven breach the Commercial Television Code

The Commercial Television Industry Code of Practice 2004 requires that news and current affairs programs present factual material accurately and represent viewpoints fairly having regard to the circumstances at the time of broadcast (4.3.1) and that news be presented fairly and impartially (4.4.1).⁵ It also proscribes the broadcast of programs likely in all the circumstances to provoke or perpetuate intense dislike on the grounds of national or ethnic origin or race (1.8.6).

During the reporting period, the ACMA found that ATV Melbourne (Ten), HSV Melbourne (Seven) and GTV Melbourne (Nine) each breached the requirement for factual accuracy in news programs that reported on racial tensions concerning Sudanese refugees in Melbourne’s south-east. The segments included closed circuit television footage of a person being arrested who was not actually Sudanese. In each case, the ACMA found that viewers would have inferred from the verbal commentary and the footage that they were witnessing an actual African gang at work.

ATV Melbourne and GTV Melbourne were also found in breach of the requirement to present news fairly and impartially because the selection of material in their reports gave the overall impression that Sudanese people as a whole are prone to violence and did not provide any balance against the story’s emphasis of lawlessness by Sudanese people in general.

In each case, the ACMA did not find breaches of the clause preventing the broadcast of programs that perpetuate intense dislike or serious contempt of a group of persons on the basis of national or ethnic origin or race. Although such feelings may have been provoked in the viewer, it was considered that the high thresholds of ‘intense dislike or serious contempt’ were not reached.

In response to the breach findings, each of the licensees undertook to increase training measures to achieve future compliance. These segments were in each licensee’s news programs. Although there have been three previous breaches concerning factual accuracy in news programs since 2005, the ACMA does not consider there is evidence of systemic inaccuracy in news reporting. The ACMA will not exercise its powers at this stage but will monitor closely for further breaches.

2Day FM’s lie-detector broadcast

The Commercial Radio Code of Practice 2004 requires all program content to meet contemporary standards of decency, having regard to the likely characteristics of the audience of the licensee’s service.⁶

During the reporting period, the ACMA conducted an investigation concerning an episode of the *Kyle and Jackie O Show* broadcast on 29 July 2009, by Today FM Sydney Pty Ltd, the licensee of 2Day FM. The ACMA’s investigation into the adequacy of community safeguards for the protection of participants in live hosted entertainment radio programs (see below) was, in part, prompted by the public reaction to this broadcast.

The ACMA received 170 complaints about the broadcast in which a 14-year-old girl was attached to a lie-detector and questioned by her mother about her sexual history and trancies. In assessing whether the licensee had complied with the relevant code provision, the ACMA noted several features of the program, including that the key participant was a child who was put in a vulnerable position over which she did not appear to have control, and that she had stated that she was ‘scared’ at the commencement of the segment.

5 Since these investigations, a new code—the Commercial Television Industry Code of Practice 2010—was registered by the ACMA in December 2009 and took effect from 1 January 2010. For further information on the registration of the commercial television code, refer to page 128.

6 Since this investigation, a new code—the Commercial Radio Australia Codes of Practice and Guidelines 2010—was registered by the ACMA in February 2010. For further information on the registration of the commercial radio codes, refer to page 128.

The ACMA found that, even having regard to the likely characteristics of the audience of the licensee's service, the licensee had breached the relevant code provision. In making the breach finding, the ACMA also noted that interviewing a child about their sexual activity is not necessarily indecent. However, in this instance it was the manner of the segment that offended against contemporary standards of decency, including the purported use of a lie detector to sensationalise and render as mere entertainment what might in a different context be an acceptable topic for a radio broadcast.

While the ACMA welcomed the fact that the licensee moved immediately after the broadcast to put in place new policies and procedures, it considered that these new procedures did not address the key concern of the investigation—that a child could be placed in such a vulnerable situation in the first instance. Accordingly, the ACMA imposed an additional condition on the licence pertaining to the treatment of underage participants in programming, including that the welfare and wellbeing of the child is paramount irrespective of any consent given by a parent or guardian.

The ACMA also completed its related investigation into the adequacy of community safeguards for the protection of participants in live hosted entertainment radio programs—see next section.

Live hosted entertainment radio programs: Adequacy of community safeguards for the protection of participants

During the reporting period, the ACMA investigated under section 170 of the BSA, whether industry practice and regulatory arrangements—in particular the Commercial Radio Australia Codes of Practice and Guidelines 2004—were providing appropriate community safeguards for the treatment of participants in live hosted commercial radio programs.⁷

The 29 July 2009 broadcast of the *Kyle and Jackie O Breakfast Show* on 2Day FM, in addition to the results of the ACMA's commissioned research *Attitudes to Radio Content 2009* and the rise in complaints to the ACMA about commercial radio content, highlighted potentially broader issues about the treatment of participants in some types of live hosted entertainment programs on commercial radio.

Published in January 2010, the investigation report, *Live hosted entertainment radio programs: Adequacy of community safeguards for the protection of participants*, found that:

- > there is community concern about the treatment of participants in commercial radio, and that the concern is greater when the participant is a child
- > the current codes do not adequately address community concerns, particularly the treatment of child participants
- > while industry does have in place practices that provide important community safeguards, these practices are not formalised in the industry codes.

The ACMA is working with the commercial radio industry to develop codes of practice that include specific provisions for addressing the issues raised in the investigation, including:

- > preventing the exploitation of participants in commercial radio programs
- > ensuring the radio industry has practices and processes in place that provide safeguards for participants in commercial radio programs and that these are transparent to the public
- > provisions for dealing with children as participants in commercial radio programs including the requirement that the best interests of the child is the licensee's key consideration, irrespective of any consent given.

It is anticipated that the codes will be finalised for registration by the ACMA in 2010–11.

Program classification

Subscription broadcasting

In August and November 2009, the ACMA accepted enforceable undertakings from Foxtel and Austar respectively regarding classification and complaints-handling procedures. This followed findings in May 2009 that both licensees had incorrectly classified programs MA15+. To date, Foxtel and Austar have met their obligations under the enforceable undertakings. The enforceable undertakings appear to have been successful in addressing the classification issues identified in the ACMA's investigations, with no program breaches being found since the conclusion of the ACMA's investigations.

⁷ Since this investigation, a new code—the Commercial Radio Australia Codes of Practice and Guidelines 2010—was registered by the ACMA in February 2010. For further information on the registration of the commercial radio codes, refer to page 128.

Dante's Cove

In May 2010, the ACMA determined that WIN Television QLD Pty Ltd, the licensee of RTQ, breached the Commercial Television Industry Code of Practice 2004 (the code) by incorrectly classifying as AV an episode of the program *Dante's Cove*.

As the ACMA is investigating a complaint about the broadcast of another episode of *Dante's Cove* by the Nine Network, the ACMA will consider the appropriate remedial action, once this second investigation has been completed.

Online content complaints

The ACMA received 3,212 complaints about online content in the period 1 July 2009 to 30 June 2010, more than double the number of complaints received in 2008–09. A complaint may contain multiple items, with an 'item' referring to an individual article of content such as a link or a web page. Since 1 January 2000, the ACMA has investigated over 11,000 complaints about online content and taken action on more than 8,500 items of prohibited content as a result.

During the reporting year, there was a 172 per cent increase in the number of complaints received. The overall complexity of the complaints, and resulting need for a proportion to be referred to the Classification Board for classification, also impacted on the timeframes. Consequently, the ACMA did not deal with all complaints within the applicable timeframe but priority complaints (those dealing with child abuse material) continued to be dealt with within two days. Measures are being taken to address the increase in complaints.

Of the complaints received during the year, 118 were invalid as they did not contain information required by the BSA. During 2009–10, the ACMA continued to observe a steady increase in the number of items investigated, finalising investigations into 3,828 items of online content compared with 2,281 items of online content in the previous year. This is an increase of 68 per cent, following an increase of 53 per cent in 2008–09 compared with 2007–08.

The increase in complaints received by the ACMA is likely due to a range of factors including:

- > an increased number of Australian families who are online
- > greater awareness of the potential dangers of harmful content

- > increased awareness of how to report suspected prohibited content
- > greater community interest in online content regulation issues and the role of the ACMA in this area.

Of the investigations completed, 1,932 items of prohibited or potentially prohibited content were identified (see Table 29). A total of 175 investigations were terminated because the ACMA was unable to obtain sufficient information on which to base a decision, usually because the content identified by the complaint could not be located.

The introduction of Schedule 7 of the BSA in 2007–08 established new mechanisms for dealing with complaints about live content services and Australian-hosted links to prohibited content. During the current reporting period, final 'take-down' notices were issued for 25 items of Australian-hosted prohibited content. No link-deletion or service-cessation notices were issued for links services or live content services provided from Australia.

A total of 1,907 overseas-hosted prohibited or potentially prohibited items of internet content were referred to the makers of internet software filters under Schedule 5 of the BSA and the registered ISP code of practice for dealing with such material.

Under the BSA, prohibited content is defined with reference to National Classification Code categories set out in the *Classification (Publications, Films and Computer Games) Act 1995*. Approximately 69 per cent of items that were prohibited or potentially prohibited were, or were likely to be, refused classification. Of items classified Refused Classification, or found likely to be classified Refused Classification, 55 per cent of items constituted an exploitative or offensive depiction or description of a child, or were otherwise concerned with paedophile activity.

Table 29 shows the breakdown by content type of items actioned as a result of completed investigations in which prohibited or potentially prohibited content was located.

As shown in Figure 13, the United States continued to account for the majority of prohibited online content provided from outside Australia.

Table 29: Prohibited/potentially prohibited internet content 2009–10, items actioned

Actual or likely classification and description of online content	Online content hosted in or provided from Australia (take-down, service-cessation or link-deletion notice issued)	Internet content items hosted overseas (referred to makers of filters)	Total
MA 15+ – Violence	2	0	2
MA 15+ – Sex	0	0	0
MA 15+ – Themes	0	0	0
MA 15+ – Drug use	0	0	0
MA 15+ – Nudity	0	0	0
MA 15+ – Language	0	0	0
R 18+ – Violence	0	15	15
R 18+ – Sex	0	25	25
R 18+ – Themes	1	31	32
R 18+ – Drug use	1	12	13
R 18+ – Nudity	0	70	70
R 18+ – Language	0	0	0
X 18+ – Actual sexual activity	10	423	433
RC – Crime—promotion/instruction	0	25	25
RC – Crime—depiction	0	6	6
RC – Violence—depiction	0	21	21
RC – Violence—promotion/instruction	0	1	1
RC – Paedophilia—promotion/instruction	1	2	3
RC – Child—depiction	8	1,057	1,065
RC – Bestiality—depiction	0	37	37
RC – Offensive/abhorrent phenomena	0	5	5
RC – Sexual violence—depiction	1	27	28
RC – Sexual fetish—depiction	1	127	128
RC – Sexual fantasy—depiction	0	16	16
RC – Drug use—promotion/instruction	0	5	5
RC – Terrorist related material	0	2	2
RC – Publication	0	0	0
Cat 1 – Publication	0	0	0
Cat 2 – Publication	0	0	0
Totals	25	1,907	1,932

Interactive gambling

The *Interactive Gambling Act 2001* (the IGA) makes it an offence to provide certain types of gambling services to Australians and to advertise such services in Australia. Under the IGA, the ACMA is responsible for investigating complaints about alleged prohibited interactive gambling content and for registering industry codes of practice dealing with interactive gambling matters.

Part 3 of the IGA establishes a complaints system for prohibited internet gambling content. In 2009–10, the ACMA received 46 valid complaints under the IGA. Of these complaints, three investigations resulted in the location of prohibited internet content. Each of the services identified was located outside Australia. The ACMA refers all potentially prohibited Australian-hosted internet gambling content to the Australian Federal Police for further investigation. Overseas-hosted prohibited internet gambling content is referred to makers of filter software in accordance with the code of practice registered under the IGA.

Part 7A of the IGA provides that each commercial television broadcasting licence is subject to the condition that the licensee will not broadcast an interactive gambling service advertisement. During the reporting period, the ACMA commenced investigations into two matters referred by the Department of Broadband, Communications and the Digital Economy on 3 February 2010. The matters relate to the alleged broadcast of interactive gambling services advertisements by commercial television broadcasting licensees.

National interest issues

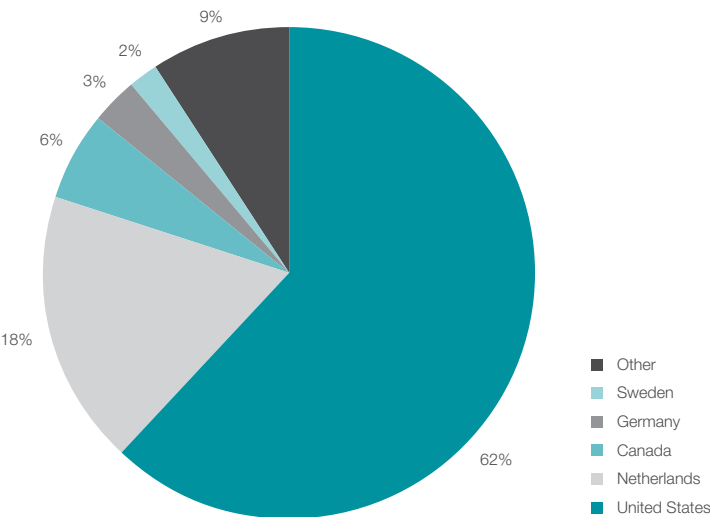
Agencies involved in the national security of Australia, law enforcement and emergency services have special operational requirements in their interaction with the services of the telecommunications industry.

Law enforcement liaison

The ACMA convened the Communications Security and Enforcement Roundtable (CSER) twice during the reporting period. CSER operates as a clearing house for issues and is an open forum for its members to share information and progress regulatory and operational issues about law enforcement. When required, it also functions as a mechanism for assisting the ACMA with its responsibilities.

To complement the CSER, and for other discrete reasons, a separate and smaller strategic policy group (the Experts Group) has been established by the Attorney-General's Department and the Department of Broadband, Communications and the Digital Economy. The ACMA is a member of the Experts Group.

Figure 13: Prohibited or potentially prohibited internet content by host location, 2009–10



Identity checking requirements for pre-paid mobile phone services

Under ministerial direction, the ACMA administers a determination which requires carriage service providers (CSPs) to collect and verify identity information about the purchasers and end-users of pre-paid mobile services. The ACMA conducts periodic compliance audits to test that CSPs are complying with their regulatory obligations.

The Department of Broadband, Communications and the Digital Economy is currently reviewing the underlying arrangements for identity checking for pre-paid mobile services. The ACMA is contributing to this review.

Disclosure of customer information to law enforcement and national security agencies

Customer information provided by telecommunications carriers and CSPs to law enforcement and national security agencies is protected under Part 13 of the Telecommunications Act. Carriers and CSPs are prohibited from disclosing that information to other parties except in certain limited and restricted circumstances. Those circumstances generally relate to:

- > assisting in investigations by law enforcement or national security agencies, the ACMA, the ACCC or the TIO
- > where there is an imminent threat to a person's life or health
- > satisfying the business needs of other carriers and CSPs.

The ACMA is required under clause 57(2) (f) of the ACMA Act to include in its annual report information on disclosures of customer information made during the reporting year. The number and type of disclosures made during 2009–10, as reported to the ACMA under section 308 of the Telecommunications Act, are provided at Appendix 11.

Disclosure of IPND data for telephone-based emergency warning systems

Part 13 of the Telecommunications Act allows information contained in the IPND to be disclosed for the testing and operation of telephone-based emergency warning systems by the states and territories.

The number of telephone numbers that were disclosed, a description of the emergency or likely emergency, the location and the number of persons to whom the information was disclosed under section 295V or 295W of the Telecommunications Act, are provided at Appendix 11.

Industry code: Handling of Life Threatening and Unwelcome Communications

In April 2010, Communications Alliance submitted the industry code C525:2010 *Handling of Life Threatening and Unwelcome Communications* to the ACMA for registration. The ACMA contributed to the review of the industry code which includes new provisions to enable industry management of unwelcome communications to the emergency call service. The ACMA expects to formally consider registration of the code in July 2010.

Interception capability plan compliance

Under section 196 of the *Telecommunications (Interception and Access) Act 1979* (TIA Act), carriers and nominated CSPs must lodge an interception capability plan by 1 July each year with the Communications Access Coordinator in the Attorney-General's Department. The ACMA's role is to enforce this obligation, should the need arise. Compliance with this obligation was satisfactory in 2009–10, although several carriers submitted their plans after the due date.

During the reporting period, the Attorney-General's Department referred 38 carriers and nominated CSPs to the ACMA for enforcement action. Of these, all except one have subsequently complied with their obligations and two have surrendered their carrier licences. The ACMA is currently considering its enforcement options regarding this carrier.

Emergency call service

The emergency call service is a national operator-assisted service that connects emergency callers free-of-charge to state and territory emergency service organisations—police, fire and ambulance. The service is designated for emergencies that are life threatening or time-critical.

The primary emergency call service number is Triple Zero (000), which can be accessed from any fixed-line or mobile phone. In addition, there are two secondary emergency call service numbers in operation—112, which can be accessed from GSM mobile phones and 106 for text-based emergency calls from people who are deaf or have a hearing or speech impairment.

Telstra is the emergency call person (ECP) for the Triple Zero (000) and 112 emergency call service, while Australian Communication Exchange Ltd is the ECP for the 106 emergency call service.

The ACMA's regulatory role in relation to the emergency call service arises under a broader policy, legal and institutional framework set by the government. That framework has the following elements:

- > Telstra is the designated ECP for 000 and 112.
- > Telstra takes calls via all carriage service providers (CSPs), and transfers them to relevant emergency service organisations (ESOs) in each state and territory.
- > When the ECP transfers the calls, it takes the location information stored in the Integrated Public Number Database (IPND) associated with the number (in the case of fixed line services) or asks the person where they are (for nomadic services such as mobiles).
- > The ACMA places obligations on carriers, CSPs and the ECP to ensure that customers can access the emergency call service. The ACMA is also responsible for authorising access to the IPND.

The ACMA does not have responsibilities in regard to the roles and responsibilities of the ESOs once a call has reached them. This is a matter for state and territory governments. The ACMA works cooperatively with the ECPs and ESOs on addressing issues that are within its remit.

Overarching policy responsibility for the Commonwealth's emergency management response resides with the Attorney-General's Department, who handles matters such as emergency warning systems.

Emergency Call Service Advisory Committee

As part of its role in regulating and monitoring the emergency call service, the ACMA convenes the Emergency Call Service Advisory Committee (ECSAC) to provide a forum for representatives of the telecommunications industry, ECPs and ESOs to provide advice to the ACMA and discuss priority issues affecting the operation of the service.

ECSAC met three times in 2009–10 and provided advice on a range of matters including:

- > the ACMA's study into enhanced mobile location for the emergency call service
- > the effect of new communications technologies on the emergency call service
- > the implementation of initiatives to reduce the number of non-life threatening emergency calls to the emergency call service
- > the ACMA's study into the feasibility of providing the deaf and hearing/speech-impaired communities with SMS access to an emergency service
- > public awareness campaigns for Triple Zero (000)
- > the ACMA's review of the Emergency Call Service Determination.

ECSAC membership is listed in Appendix 2.

Triple Zero Kids' Challenge

During the reporting period, an ECSAC working group was active in developing initiatives aimed at improving awareness of Australia's emergency call service, particularly among children. The group commissioned the development of an online computer game, the Triple Zero Kids' Challenge, which aims to educate children aged between 5 and 10 about the emergency call service.

The Minister for Broadband, Communications and the Digital Economy launched the Triple Zero Kids' Challenge on 3 May 2010.

Reducing the volume of non-emergency calls

An ongoing issue has been the reduction in the volume of calls to the ECP that are not related to an emergency. Of the 8,833,683 million calls made to the ECP during 2009–2010, 5,288,856 million calls were connected through to an ESO.

Calls that are categorised as non-emergency may include instances of deliberate nuisance calls, calls for assistance that are not time critical, calls to services that are not accessible through the emergency call service—such as state emergency services—and accidental misdials. Ongoing efforts are being made within ECSAC and with the relevant parties to implement a communications campaign in the near future. Promoting the purpose and appropriate use of Triple Zero (000) is one measure to reduce non-emergency calls.

The most effective measure of reducing non-emergency calls to date has been Telstra's introduction of a short recorded voice announcement for the Triple Zero (000) service. Since its introduction on 19 December 2008, the number of calls to Triple Zero (000) reaching the ECP has reduced by approximately 22 per cent, without any complaints or genuine calls being affected. Another measure the ACMA is continuing to monitor is the implementation by industry of an escalated warning process which can ultimately lead to mobile handsets from which repeated non-emergency calls are made, being blocked from making most calls.

New Emergency Call Service Determination

In December 2009, following a significant consultation process involving a range of stakeholders, the ACMA made a new Emergency Call Service Determination. This governs how carriers, CSPs and ECPs receive, handle and transfer emergency calls.

While core obligations from the previous determination largely remain, the new determination introduces a number of important improvements that take into account technological change, especially from increasing IP-based telephony. The key changes to the determination include:

- > new obligations on the providers of VoIP 'out only' services requiring them either to provide access to Triple Zero (000) or, if they are unable to do so, to clearly inform their customers that such access is not available
- > revised customer information provisions to align obligations on mobile communication providers with those that already exist for other types of service providers
- > additional requirements aimed at minimising the number of non-genuine calls to Triple Zero from mobile phones, which take into account recent industry initiatives

- > making the call answering standards for the text (TTY) emergency call service number '106' compatible with the standards for voice calls.

The Telecommunications (Emergency Call Service) Determination 2009 follows an extensive review of the existing regulatory arrangements, which was initiated in 2008.

Enhanced mobile location for emergency service organisations

In May 2010, the ACMA released for public comment a paper entitled, *Enhanced mobile location information for the emergency call service*. The paper proposed amending the rules to require mobile carriers to provide all location information available in association with a genuine emergency call at the request of an ESO.

The ACMA's consultation paper addresses four key issues:

- > mandating the provision of best available location information about a mobile emergency call upon request from an ESO
- > identifying the operational arrangements for implementing an enhanced mobile location solution
- > managing unrealistic expectations of the provision of mobile location information in an effort to correct the belief some people have that current mobile location identification techniques can provide 'pinpoint' accuracy anywhere in Australia
- > determining a temporary exemption process to give carriers reasonable time to upgrade their technology where required.

The ACMA's proposal follows its 2009 study into whether there is an appropriate and consistent mobile location solution for Australia's emergency call service that cost effectively meets demonstrated needs.

Submissions will be used to inform the drafting process of formal amendments to the Telecommunications (Emergency Call Service) Determination 2009.

SMS access to the emergency call service for the deaf and speech and hearing impaired

In 2009, the ACMA conducted a study on the feasibility of providing people who are deaf, or who have a hearing or speech impairment, with SMS access to an emergency service. The ACMA initiated the feasibility study in response to representations from these communities.

A report discussing the issues surrounding the potential provision of a targeted SMS emergency service for this group was prepared for the Minister for Broadband, Communications and the Digital Economy. On 20 April 2010, the minister announced that the government will be introducing SMS access to the emergency call service for people who are deaf and hearing/speech impaired. Implementation arrangements will be developed by the Department of Broadband, Communications and the Digital Economy in conjunction with the ACMA.

Integrated Public Number Database

The Integrated Public Number Database (IPND) is a telecommunications industry-wide database of all listed and unlisted public numbers and their associated customer data. Law enforcement agencies and emergency services regularly access customer data from the IPND and it is critical that the data is accurate for these purposes. The input of high quality data into the IPND is therefore a priority for the ACMA.

IPND audit of address data

The ACMA conducted its fourth audit of IPND address data during the reporting period. The snapshot of the IPND for the audit was taken in November 2009, with the ACMA releasing the aggregate industry-wide results in April 2010. The quality of address data in the IPND has improved significantly since the first audit was conducted in 2004.

The ACMA will continue to work with data providers in 2010 to make further corrections and/or implement system improvements where necessary. The ACMA will consider at a later time whether to conduct a fifth audit.

Investigation into VoIP carriage service provider compliance with IPND requirements

As part of its IPND compliance program, in September 2009, the ACMA commenced an investigation into whether voice over internet protocol (VoIP) CSPs are complying with their obligations to provide accurate customer data to the IPND. The ACMA requested 350 records from the IPND Manager for 14 VoIP CSPs to ascertain whether the records contained in the IPND matched the customer records held by the providers. The VoIP providers selected incorporate both the large and small end of the market.

In June 2010, following consideration of the results of the investigation, and information provided by industry, the ACMA formally warned 11 of the 14 VoIP CSPs for not complying with their regulatory obligations.

Investigation into failure to provide complete address information to the IPND Manager

During the reporting period, the ACMA completed an investigation which concluded that Soul Communications Pty Ltd (Soul) had breached the Telecommunications Act by failing to provide the IPND Manager with the information reasonably required for a particular mobile service number. The investigation followed a report that a mobile service was used on 26 October 2008 to make several calls to Triple Zero (000) concerning a fatal home invasion in Sydney. Soul cooperated fully with the ACMA's investigation.

When Soul became aware of the data problem with the service address, it upgraded its data-checking processes and undertook a full data audit to check its IPND records. Soul also admitted to the then shortcomings in its systems and offered an enforceable undertaking to make further improvements in its systems and processes.

The ACMA accepted the enforceable undertaking from Soul. Measures in Soul's undertaking include periodic full audits of its records, instigation of a comprehensive training and education process for its staff, regular reconciliations between its records and those held in the IPND and comprehensive reporting to the ACMA.

e-Security

The Australian Internet Security Initiative (AISI) is an important component of the government's E-Security National Agenda (ESNA). ESNA has three key priorities:

- > reducing the e-security risk to Australian Government information and communications systems
- > reducing the e-security risk to Australia's national critical infrastructure
- > enhancing the protection of home users and SMEs from electronic attacks and fraud.

In May 2007, the government allocated funding of \$73.6 million over four years to address these three priorities, of which the AISI received \$5.2 million. Although the AISI is most relevant to the third priority, it also has relevance to the second, as it helps reduce the capacity for attacks on Australia's internet infrastructure by reducing the number of infected computers on the Australian internet.

The AISI, developed and managed by the ACMA, is a key tool to help address the e-security threat posed by 'botnets'—networks of computers that have become compromised through the surreptitious installation of malicious software (malware). This malware enables the computer to be controlled remotely for illegal and harmful activities, including the dissemination of spam, hosting of 'phishing' sites and distributed denial of service attacks on internet infrastructure.

Under the AISI program, the ACMA provides information to participating Australian ISPs about 'compromised' computers residing on their networks. The ISPs then contact their customers to inform them that their computers are compromised and assist them in restoring correct operation.

During 2009–10, the ACMA:

- > diversified and expanded the data on compromised computers feeding into the AISI, thereby increasing the number of compromises from an average of 4,291 per day at the end of the 2008–09 financial year to an average of 11,215 per day at the end of the 2009–10 financial year

- > introduced a fortnightly aggregated AISI email report which assists ISPs to identify 'worst offenders'—those customers with ongoing compromises—residing on their networks and prioritise their efforts when contacting customers
- > provided botnet and malware training to representatives from a range of national law enforcement agencies
- > continued to collaborate with members of the Conficker Working Group to provide ISPs with data on computers infected with the Conficker virus
- > provided intelligence to national and international law enforcement authorities and regulators on suspected botnet-related online criminal activity
- > increased the number of ISP participants by approximately 28 per cent, with 64 ISPs participating at 30 June 2009 and 82 ISPs participating at 30 June 2010. It is estimated that these 82 ISPs account for over 90 per cent of Australian home internet users.

The high level of compromise reports per day made through the AISI underscores the need for internet users to be vigilant in maintaining the security of their computers and not engaging in practices—such as visiting 'suspect' websites—that cause their computers to become infected. The solution to the botnet problem will require a coordinated international approach, as botnets are made up of computers located in multiple countries. The ACMA will continue to actively promote international cooperation in this area during 2010–11.

In 2009, the House of Representatives Standing Committee on Communications commenced an inquiry into cybercrime. The report of the inquiry, *Hackers, Fraudsters and Botnets: Tackling the Problem of Cyber Crime* was released in June 2010. The committee made a series of recommendations, including expansion of the AISI. At the time of writing, the report is under consideration by the Australian Government.

Case study

The hidden cost of a computer compromise

There are often hidden costs associated with computer compromises, as the eradication of malicious software is just a small part of the processes many organisations and individuals must undertake when they experience a security incident.

In early 2010, the systems administrator of a small business contacted the ACMA for further information on an AISI report sent by their ISP. Like many businesses and increasingly home users with multiple computers, the small business' internet service is configured with a single public IP address shared by several computers.

The systems administrator was particularly concerned as to whether or not the infection was on a computer used for storing customer records. If so, the breach would have to be reported to the relevant customers, which would cost significantly more time and money than simply removing the malicious software, not to mention the potential for damage to the reputation of the business. The ACMA was able to provide detailed information to the systems administrator, which enabled him to determine the appropriate course of action and resolve the problem.

The ACMA frequently receives queries from customers of ISPs like the above example. In the majority of cases the ACMA is able to identify and determine the capabilities of the malicious software involved and provide advice for its removal. These users are often very grateful for the ACMA's assistance, as they are almost without exception unaware of the compromise at the time of the report.

In the 2009–10 financial year, the AISI reported over 4,093,436 instances of computer compromises to Australian ISPs. Given the scope of the potential harm a compromised computer can cause, the ACMA considers it of upmost importance that ISPs act swiftly on reports of compromises so their affected customers can disinfect their computers, change their passwords, or otherwise take the necessary mitigating actions to prevent further problems to themselves or other internet users.

To this end, the ACMA welcomes the Internet Industry Association of Australia's (IIA) development of the internet service provider cyber security code of practice (known as the *icode*). A key objective of the *icode* is to 'operationalise' the AISI, that is, establish a uniform approach for ISPs when acting on AISI reports to swiftly notify and assist their customers to rectify compromises. This voluntary code was launched on 6 June 2010. The *icode* can be accessed at <http://iaa.net.au/images/resources/pdf/icode-v1.pdf>.

International matters

The international communications and media environment continues to evolve at a rapid rate, the key drivers being the move to next generation networks (NGNs) and the converging of communication services. During this reporting period, the ACMA has pursued a defined international engagement strategy to complement its overall strategic direction. Improving the ACMA's ability to influence regulatory outcomes, as well as supporting the ACMA's intention to be, and be recognised as, the world's leading converged communications regulator by the end of 2011, are the key objectives of the international engagement strategy. The ACMA engages internationally to:

- > meet its strategic objectives and legislative requirements where these require international activity, including the areas of online content, spam, e-security, cybersafety, radiocommunications and telecommunications
- > support Australia's domestic needs and whole-of-government objectives, including trade, international competitiveness and regulatory capacity
- > support external positioning objectives, which assist the ACMA to continue to be a credible source of advice to government and industry on international matters.

Major international engagement activities undertaken by the ACMA in the reporting period include:

- > representing Australia at the International Telecommunication Union (ITU), including participation in both strategic and technical forums in cooperation with the Department of Broadband, Communications and the Digital Economy (DBCDE)

- > establishing and maintaining strategic relationships with relevant international stakeholders both through the development of formal memoranda of understanding, bilateral meetings and discussions at a senior management level
- > hosting delegations and visitors from relevant overseas stakeholders, both to share information about Australia's communications and media environment, and to learn about potential regulatory better practice
- > undertaking capacity building, education and development activities for representatives of national regulatory agencies in the Asia-Pacific region.

Part of the ACMA's engagement strategy involves the development of relationships with fellow regulators, together with strengthening bilateral relationships with regional authorities and standards development bodies. In 2009–10, the ACMA continued negotiations to establish a memorandum of understanding with the United Kingdom's communications and media regulator OfCom, the Republic of Korea Communications Standards Commission, and Ireland's Commission for Communications Regulation.

The ACMA continues to have a strong involvement with the Asia-Pacific Telecommunity (APT)—the peak regional ICT body which coordinates the views of member countries on telecommunications and radiocommunications, and represents them more widely at an international level, particularly to the ITU. In 2009–10, the ACMA participated in APT preparatory meetings for the 2010 ITU Plenipotentiary Conference (PP10), provided speakers at an APT and ITU regional meeting, and an APT Pacific Island regulators meeting and hosted many visits from representatives of regulatory agencies from countries in the region.

During 2009–10, the ACMA participated in two Asia–Pacific Economic Cooperation Telecommunications and Information (APEC–TEL) meetings as part of the Australian delegation led by DBCDE. The ACMA presented a number of matters of interest and participated in discussions on the APEC–TEL Mutual Recognition Agreement, which provides for mutual recognition of conformity assessment between APEC economies, and the new Mutual Recognition Agreement for Equivalence of Technical Requirements (MRA–ETR).

Endorsement of the MRA–ETR is the prerogative of the Minister for Broadband, Communications and the Digital Economy. The next meeting of APEC Telecommunications and Information Ministers is scheduled for October 2010.

Hosting delegations from overseas stakeholders

The ACMA hosts a number of overseas visits to Australia from representatives of other communications regulators, government and non-government organisations. These visits facilitate collaboration and information exchange on communications policy and regulation issues. During 2009–10, the ACMA hosted international visitors from countries including Thailand, Korea, Finland and New Zealand. Topics discussed included spectrum management and apparatus licensing to electromagnetic compatibility (EMC) procedures and technical standards.

International Training Program

In December 2009, the ACMA hosted the International Training Program (ITP) in partnership with the ITU. The ITP is part of the Australian Government's commitment to broaden and deepen its links with the international community—particularly in the Asia–Pacific region—and provides a collaborative learning opportunity for middle and senior managers from regulatory agencies in the region and beyond. The 2009 ITP was well regarded and attracted 80 participants from 34 countries. It has increased Australia's regional influence and relationship building, firmed our relationship with the ITU, and has led to the establishment of ongoing collaboration between the ACMA and regulatory and related agencies in the Asia–Pacific region.

Planning is currently underway for an ITP to be held in Sydney in December 2010.

Trans Tasman Mutual Recognition Agreement

The ACMA met with the New Zealand Ministry of Economic Development in April 2010. This meeting is part of ACMA's continuing activities to harmonise the standards and compliance arrangements for radiocommunications and electromagnetic compatibility (EMC) under the Trans-Tasman Mutual Recognition Agreement (TTMRA). The agreement, between the Australian, state, territory and New Zealand governments, aims to remove regulatory barriers to trade in certain goods and services between Australia and New Zealand.

From left to right, Chris Disspain, CEO, .au Domain Administration; Sabeena Oberoi, Department of Broadband, Communications and the Digital Economy; Peter Coroneos, CEO, Internet Industry Association; Bruce Matthews, Manager, E-Security Operations Section, ACMA, discussing the risks, challenges and opportunities posed by the internet at the International Training Program, Melbourne, December 2009.



INHOPE

The ACMA is a member of the International Association of Internet Hotlines (INHOPE). INHOPE member hotlines deal with complaints about illegal internet content, mainly child abuse material. The association is partly funded by the European Commission under the hotline component of its Safer Internet Plus program.

The ACMA was represented at the INHOPE members' meetings held in Brussels from 3 to 5 November 2009 and Austria from 20 to 22 May 2010. Members' meetings provide a valuable forum for exchanging information and expertise on investigation techniques, hotline promotion, staff welfare and other hotline management issues. The October 2009 meeting marked the tenth birthday of INHOPE.

Chapter 3

Content regulation and consumer information

An abstract graphic consisting of numerous thin, light gray lines that curve and sweep across the lower right portion of the page, creating a sense of motion and depth.

Chapter 3 reflects the ACMA's key result areas related to:

Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice

Program 1.2: Consumer safeguards, education and information.

The ACMA's responses to the performance information set out below for Program 1.2 can be found throughout the chapter.

Program 1.2: Consumer safeguards, education and information

Program 1.2 Key Performance Indicators

- > Effective community safeguards are implemented and maintained.
- > Research is undertaken, and stakeholders engaged, to maximise the extent to which information, standards and safeguards address the broad concerns of the community.
- > The community has access to sufficient information to enable it to make informed decisions about communications products and services.

Program 1.2 Deliverables

- > Online content, telemarketing, anti-spam and broadcasting code complaints dealt with within applicable timeframes.
- > Reports on industry compliance with statutory consumer safeguards made available within required timeframes.
- > Develop educational and research initiatives to underpin Cybersafety program.
- > Undertake consultation at regular intervals to receive information and advice on matters affecting consumers of communications services.
- > In cooperation with industry, undertake reviews of communications standards, codes and determinations within appropriate timeframes.
- > Information programs delivered in order to raise awareness of rights, obligations and safety issues.
- > Raise awareness of Australia's spam legislation among consumers, businesses and the e-marketing industry through education programs and publications.

The ACMA's regulatory role

The ACMA's role includes informing the community about communications matters and delivering effective consumer protection. To this end, the ACMA provides information to facilitate informed decisions about communications products and services. Industry-developed codes of practice set out the requirements to meet service and information provision obligations.

Content regulation

The ACMA regulates content delivered by radio, television, the internet, fixed-line telephones and mobile phones. The ACMA monitors commercial television broadcasting licensees' compliance with the Broadcasting Services (Australian Content) Standard 2005 (Australian Content Standard) using its Australian content database. This database contains information provided by the three commercial television networks—Seven, Nine and Ten—under a self-reporting system about the programs broadcast by their metropolitan services. The ACMA also collects compliance information from regional commercial television licensees, including network affiliates and independent broadcasters.

The Australian Content Standard requires all commercial television licensees to broadcast an annual minimum transmission quota of at least 55 per cent Australian programming between 6.00 am and midnight, including first-release and repeat programs. In addition, there are specific minimum annual sub-quotas for first-release Australian drama, documentary and children's programs, as well as sub-quota requirements for repeat children's programs and Australian preschool programs.

The annual quota requirements for first-release Australian programs are:

- > drama—250 points, with 860 points for the three-year period 2008–10. The point system is calculated on the program duration x format factor, which reflects the relative costs and risks associated with the production of particular drama genres
- > documentary—20 hours

- > children's (C) programs—130 hours, including 25 hours of C drama programs each year and 96 hours of C drama programs for the three-year period 2009–11.

In 2009, the amount of Australian programming broadcast between 6.00 am and midnight reported by the metropolitan networks averaged more than 55 per cent:

- > the Seven licensees averaged 65.32 per cent (64.55 per cent in 2008)
- > the Nine licensees averaged 62.72 per cent (61.07 per cent in 2008)
- > the Ten licensees averaged 57.60 per cent (56.42 per cent in 2008).

All commercial television broadcasting licensees reported meeting the Australian content requirements in 2009.

Australian content in advertising

Television Program Standard 23 – Australian Content in Advertising (the Australian Content in Advertising Standard) requires that at least 80 per cent of advertising broadcast each year by commercial television broadcasting licensees between 6.00 am and midnight comprises Australian-produced advertisements.

The three commercial television networks report to the ACMA annually on the amount of Australian advertising they broadcast. In addition, the Commercials Advice Pty Ltd (CAD), wholly owned by Free TV Australia, provides the ACMA with the numbers of advertisements it has classified as Australian or foreign. While the Australian Content in Advertising Standard regulates advertisements actually broadcast, the ACMA uses the CAD information to monitor trends in Australian and foreign content in advertising.

In 2009, the amount of Australian advertising broadcast reported by the metropolitan networks averaged significantly more than 80 per cent:

- > the Seven licensees averaged 87 per cent (86.9 per cent in 2008)
- > the Nine licensees averaged 91.4 per cent (92 per cent in 2008)
- > the Ten licensees averaged 87.2 per cent (84.9 per cent in 2008).

Children's television

Compliance with the Children's Television Standards 2005 (CTS) is a licence condition for all commercial television broadcasting licensees. The CTS currently require these licensees to broadcast a combined total of at least 390 hours of children's (C) and preschool (P) programs each year, with a minimum of 260 hours of C-classified and 130 hours of P-classified programs annually. These are the C and P quotas. The Broadcasting Services (Australian Content) Standard 2005 requires that 50 per cent of the C quota must be first-release Australian programs and that all P programs are Australian programs.

For programs to count towards these quotas, they must meet certain provisions outlined in the CTS, including the requirement for the programs to be classified by the ACMA before being broadcast and the requirement for programs to be shown within specified time bands. The ACMA monitors compliance with the CTS through its Australian content database and the self-reporting notification regime under which commercial television broadcast licensees currently report to the ACMA.

In 2009, the amount of first release Australian children's drama broadcast reported by the metropolitan networks averaged more than the 25 hour quota:

- > the Seven licensees averaged 45.50 hours (35.50 hours in 2008)
- > the Nine licensees averaged 32 hours (32 hours in 2008)
- > the Ten licensees averaged 26.50 hours (35 hours in 2008).

All the licensees reported meeting the minimum quota requirements for children's programming in 2009.

In addition, the ACMA finalised its review of the CTS in 2009–10 and determined the Children's Television Standards 2009, with the substantive obligations taking effect on 1 January 2010. The new CTS was developed after consideration of two rounds of submissions from interested parties, issues of concern to broadcasters and the community, and a significant body of research. During its consultation, the ACMA received 129 submissions from interested parties.

The new provisions in the CTS include strengthened advertising restrictions during children's programs for endorsements or promotions by popular characters, and ensuring the use of premium offers (such as toys) is merely incidental. A 'block programming' option was introduced, allowing broadcasters the opportunity to broadcast part of the C quota in large blocks of time each week, rather than over smaller timeframes each weekday. In addition, more specific requirements have been introduced, requiring broadcasters to notify audiences if they depart from their notified schedules for broadcast of C and P programs.

The ACMA undertook a number of measures to ensure stakeholders were aware of their obligations under the new provisions of the CTS prior to their commencement. The ACMA conducted five workshops with stakeholders, explaining the operation of key provisions in the CTS, and released the *Guide to the Children's Television Standards 2009*, which provides guidance on the application of the CTS and is available on the ACMA website.

The ACMA also developed an approved electronic form for broadcasters to provide notifications to the ACMA under the CTS. The approved form was developed after consulting with broadcasters and requesting feedback. The ACMA then conducted one-on-one and group training sessions with relevant officers of broadcasters in completing the form.

Following the CTS review, the ACMA undertook to monitor and review two matters in 2009–10 and 2010–11. The first matter was the new 'block programming' option for C programs, to determine its impact on C program scheduling and the accessibility of C programs to the child audience. The second matter is to monitor and gauge the effectiveness of industry initiatives to restrict advertisements to children, during children's viewing times, to those that promote healthy dietary choices. The ACMA undertook to monitor these industry initiatives to gauge their effectiveness in addressing community concerns.

Children's and preschool programs

During 2009–10, the ACMA assessed 40 children's and preschool programs or series of programs, granting classification to 39 of them. This compares with 54 programs assessed and 53 granted classification in 2008–09 (see Table 30).

Of these program classifications, 100 per cent were completed within 60 days of receipt by the ACMA of a completed application.

At 30 June 2010, there were seven applications for C or P classification awaiting finalisation.

A list of children’s television consultants and programs granted C or P classification is in Appendix 6.

Children’s Television Classification Forum

The inaugural Children’s Television Classification Forum was held in Sydney on 22 June 2010. The forum was moderated by Michael Gordon-Smith, former full-time member of the ABA.

The initiative of the forum arose from the 2007–09 review of the Children’s Television Standards (CTS) which recommended biannual forums with industry to discuss the interpretation of classification criteria and the potential for changes to the classification process.

The forum covered a variety of topics, including the meaning of the requirement for child specific programming, the particular needs of an Australian child audience, and the approach for determining the entertainment value of a program.

The forum attracted 70 participants, including program makers, broadcast licensees, industry organisations and child development experts. Interstate participants were provided with the opportunity to engage in the discussion through an online discussion board.

Declaration of primary services

From 1 January 2009, commercial television broadcasting licensees have been authorised to provide up to three so-called ‘multi-channelled’ television services in digital mode under each commercial television broadcasting licence during the simulcast period for a licence area. The three services are two ‘standard definition’ television (SDTV) multi-channelled services (including the mandatory digital simulcast of a pre-existing analog television service) and one ‘high definition’ television (HDTV) multi-channelled service. In practice, a number of obligations apply to an analog service and its digital simulcast that do not apply to the other multi-channelled services. These include anti-siphoning provisions, the provisions in the Commercial Television Industry Code of Practice and television program standards.

Where there is no digital simulcast of an analog commercial television broadcasting service—for example, after the end of the simulcast period for a licence area, or for commercial television broadcasting services that only deliver a service in digital mode—the ACMA is authorised to declare that one of the SDTV multi-channelled services is a ‘primary commercial television broadcasting service’ (primary service), to which regulatory obligations will apply.

In 2009–10, the ACMA declared a primary service for each of the three commercial television broadcasting licences in the Mildura/Sunraysia TV1 licence area from the end of the simulcast period (30 June 2010) for that area.

Table 30: Children’s and preschool program classification

	2008–09		2009–10	
	Applications granted classification	Applications refused classification*	Applications granted classification	Applications refused classification*
Children’s programs	10	1	7	0
Children’s programs—drama	30	0	15	0
Provisional—children’s	7	0	5	1
Provisional—preschool	1	0	3	0
Preschool programs	5	0	9	0
Total	53	1	39	1

* These programs failed to satisfy the criteria in the CTS.

High definition broadcasting

Schedule 4 of the Broadcasting Services Act provides for the conversion over time of the transmission of television broadcasting services from analog to digital mode. At the end of the ‘simulcast period’ (defined in the Broadcasting Services Act), analog transmissions are to cease. See also *Digital television*, page 39.

Part 4 of Schedule 4 of the Broadcasting Services Act provides for broadcasters to meet high definition television (HDTV) quota standards. Each commercial or national television broadcasting service in a mainland metropolitan area is required to transmit a quota of 1,040 hours of HDTV programming per calendar year. The HDTV obligations also apply to a number of broadcasters in non-remote areas and will eventually apply to all commercial and national television broadcasters across Australia. The ABC and SBS are permitted to ‘up-convert’ their analog or standard definition television (SDTV) programs to HDTV.

The *Broadcasting Legislation Amendment (Digital Television) Act 2006* amended the Broadcasting Services Act to remove a requirement that the HDTV programming of a commercial or national television broadcaster must be a simulcast of the SDTV service, effective from 1 January 2007. The amendments will also remove the existing HDTV quota from the end of the simulcast period. In effect, the changes allow television broadcasters in non-remote areas to provide one HDTV multi-channel. The programming provided on the HDTV multi-channel may also differ from that provided on the core service.

Broadcasters required to meet the HDTV quota must report compliance information to the ACMA twice a year. Interim reports must be given for the first six months of the calendar year, followed by consolidated reports for the full 12 months. Records must be kept for 18 months after the transmission was first reported to the ACMA.

In 2009, the commercial and national television broadcasters required to transmit the HDTV quota complied. The compliance results of national and commercial television broadcasters in the mainland metropolitan areas are given in Table 31.

Local content on regional television

Refer to page 37 for discussion of local content on regional television.

Subscription television drama expenditure

The eligible drama expenditure scheme requires licensees and channel providers that provide subscription television drama services to spend at least 10 per cent of their annual total program expenditure on new eligible drama programs. If the 10 per cent expenditure requirement is not met in the current financial year, the shortfall amount must be made up the following year.

To be eligible, a drama program must be an Australian or New Zealand production or coproduction, and must not have been televised in Australia or New Zealand on a broadcasting service at any time before the expenditure on the program is incurred. While the scheme imposes a spending obligation on licensees and channel providers for Australian and New Zealand programs, there is no broadcasting requirement.

The Broadcasting Services Act defines a subscription television drama service as a service devoted predominantly to drama programs, that is, more than 50 per cent of the programming consists of drama programs.

Each year, scheme participants are required to provide annual returns by 29 August. As a result, only 2008–09 information is available for this annual report.

Table 31: HDTV quota, 2009

Broadcaster	HDTV hours (range hhhh:mm)
ABC	8473
SBS	8015:37
Seven Network	2514:45 to 2569:42
Nine Network	3413:05 to 3495:57

In 2008–09, there were 19 subscription television drama channels for which reports relating to the scheme were received. Annual returns were also provided by seven licensees. All channel providers complied with the rules of the scheme, and six of the seven licensees complied. One licensee failed to meet their obligation to arrange their eligible expenditure to acquit their 2007–08 expenditure shortfall.

Based on total spending on all programs, an expenditure obligation of \$25.98 million on new eligible drama programs was established for subscription television drama channel providers and licensees in 2008–09. The scheme requires that this expenditure obligation be acquitted either in the reporting year, or the following year only.

During the reporting period, a total of \$28.47 million was spent on new Australian and New Zealand drama productions or co-productions. Of that expenditure, \$13.90 million was nominated to acquit the expenditure shortfall from 2007–08, and \$14.67 million was nominated towards meeting the 10 per cent minimum expenditure requirement for 2008–09.

Licensees and channel providers must spend a minimum of \$11.30 million in 2009–10 to acquit the 2008–09 obligation.

Anti-siphoning provisions

The anti-siphoning provisions, contained in section 115 of the Broadcasting Services Act, empower the minister to specify events that should be available on free-to-air television (ABC, SBS, and Seven, Nine and Ten networks and affiliates) for viewing by the general public. The aim of the anti-siphoning provisions is to prevent listed events from being ‘siphoned off’ by subscription television to the detriment of free-to-air television viewers. Events the minister believes should be available free to the general public on free-to-air television are specified in what is known as the anti-siphoning list.

The most recent anti-siphoning list took effect on 1 January 2006 and expires on 31 December 2010. The list includes 30 sporting events across 12 sport categories including the Olympic and Commonwealth Games, horse racing, football, cricket, netball, tennis, golf and motor sports.

The anti-siphoning scheme operates via a licence condition on subscription television broadcasters that prevent them from buying the rights to televise events on the anti-siphoning list before free-to-air television broadcasters have purchased the rights. However, events are automatically de-listed 12 weeks before they commence. This provision was introduced in 2005 to improve the operation of the scheme by allowing subscription television access to listed events where free-to-air broadcasters do not intend to purchase the broadcasting rights.

The anti-siphoning scheme does not require free-to-air broadcasters to buy the rights, show listed events live or prevent those broadcasters from on-selling some or all of the rights they have acquired to subscription television broadcasters. Nor does the anti-siphoning scheme prevent parties other than subscription television broadcasters from acquiring the rights to televise events on the anti-siphoning list before the free-to-air broadcasters.

Anti-terrorism standards

The ACMA determined the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2006 and the Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2006 (the Anti-terrorism Standards) on 16 March 2006.

The decision to determine these standards followed an investigation into a satellite subscription narrowcasting service, Al-Manar, which broadcast terrorist material into Australia from Lebanon. The Anti-terrorism Standards address a significant community concern by aiming to prevent the broadcast of programs that directly attempt to recruit people to, or solicit funds for, terrorist organisations. The Anti-terrorism Standards were revoked and replaced in 2008 with the Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2008 and the Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2008 (the new Anti-terrorism Standards).

The new Anti-terrorism Standards were determined on 1 December 2008. For further information on the Al-Manar investigation, refer to page 102.

Compliance with the new Anti-terrorism Standards is a condition on class licences including subscription narrowcasting and open narrowcasting licences (paragraph 11(1)(b) of Schedule 2 of the Broadcasting Services Act). A breach of that condition is an offence under section 139(6) of the Broadcasting Services Act.

The ACMA published guidelines in December 2008 to assist licensees in applying the new Anti-terrorism Standards.

Mobile premium services

Over the course of the last two reporting periods, complaints about mobile premium services to the Telecommunications Industry Ombudsman reached significant levels: a peak of 9,850 complaint issues was reached in the September quarter of 2008 (for Level 1–4 complaint issues). The subject of complaints included:

- > unauthorised charges on phone bills or loss of all credits from prepaid mobile phones immediately after recharging them
- > absence of information on bills to identify the content service provider
- > the customer's inability to prevent receipt of mobile premium services.

The ACMA identified the need for new community safeguards to address these problems and their causes, and, towards the end of the 2008–09 reporting period, introduced an enhanced regulatory strategy to protect consumers of these services.

The key components of the package were:

- > registration of an industry code—Mobile Premium Services Code (MPS Code)—in May 2009, setting a minimum standard of conduct by providers of mobile premium services
- > the introduction of two service provider determinations in the next reporting period to provide incentives for compliance with the MPS Code and create further protections for users of mobile premium services.

In March 2010, the ACMA made the Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1), which requires all mobile carriage service providers to:

- > offer barring of all premium SMS and MMS services to their customers from July 2010
- > provide information to their customers at regular intervals over the lifecycle of ownership of a mobile phone service about barring and how to request it.

The determination will assist mobile phone customers to prevent their service, or a service used by a child or employee, from incurring unexpectedly high charges or loss of prepaid phone credits resulting from intentional or inadvertent use of mobile premium services.

The determination was made following consultation with consumer representatives, industry and other regulators. The ACMA expects to make a further determination in the next reporting period to address specific concerns relating to content service providers.

Throughout the reporting period, and following the registration of the MPS Code, the ACMA has undertaken an extensive and rigorous program of monitoring compliance by mobile premium services with the code. The aims of the program have been to identify potential breaches of the code, recurring and systemic problems with services, and the companies that are responsible for these problems.

The ACMA's primary monitoring activity for mobile premium services has been to undertake audits of the compliance of services with the obligations in the code. Services have been identified for auditing through the print media and television. Audit activity has included the inspection of advertisements, shadow shopping for services and examination of records of complaints received by the Telecommunications Industry Ombudsman.

Where audit activity has identified potential contraventions of the code, the ACMA has generally brought the problem to the attention of the supplier of the mobile premium service. In the majority of cases, changes to services to achieve future compliance have been readily volunteered.

In other cases, the ACMA has initiated an investigation under paragraph 510(1)(c) of the Telecommunications Act. During the reporting period, 17 investigations commenced to determine whether contraventions of the code had occurred.

Upon completion of an investigation under paragraph 510(1)(c), the compliance options available to the ACMA under the Telecommunications Act for a contravention of the code comprise:

- > acceptance of an enforceable undertaking from the supplier of a mobile premium service, in which the latter formally undertakes to take certain action or refrain from certain action to ensure compliance with the code
- > a formal warning to the supplier of a mobile premium service about its contraventions of the code
- > a direction to comply with the code.

In 2009–10, the ACMA completed 11 investigations of contraventions of the code, and a direction to comply with the code was issued to one supplier of a mobile premium service.

The number of complaints about mobile premium services recorded by the Telecommunications Industry Ombudsman decreased steadily over the course of the reporting period and reached 1,509 complaint issues in the June quarter of 2010, the lowest quarterly figure for mobile premium services complaints since the TIO commenced collecting distinct complaint data relating to mobile premium services in December 2006. This can be attributed in part to the ACMA's compliance monitoring program of mobile premium services. The ACMA intends to continue this program into the next reporting period.

The ACMA cooperates with other regulators of mobile premium services in other countries, and is a member of the International Audiotex Regulators Network (IARN). At meetings of IARN in December 2009 and May 2010, the ACMA exchanged intelligence about market and regulatory developments, research and cross-border supply of services related to the regulation of mobile premium services. The lessons learned from other regulators will inform the ACMA in the review of the Mobile Premium Services Code that commences in July 2010, and in its stance towards the transition of the Australian market towards more secure forms of payment via mobile phones.

Industry experts discussing the review of the commercial radio standards at the Museum of Sydney in May 2010, from left to right: Angela Clark, Philip Clark, Steve Ahern, Catherine Lumby, Andrew Condon, Lesley Hitchens and Peter FitzSimons.



Review of commercial radio standards

On 18 December 2008, the ACMA announced its decision to undertake a comprehensive review of the three commercial radio standards that were determined by the Australian Broadcasting Authority under section 125(1) of the *Broadcasting Services Act* following the Commercial Radio ('Cash for Comment') Inquiry in 1999–2000.

The standards are:

- > the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000
- > the Broadcasting Services (Commercial Radio Advertising) Standard 2000
- > the Broadcasting Services (Commercial Radio Compliance Program) Standard 2000.

On 23 February 2010, the ACMA released an issues paper and four related research reports for public comment. Interested parties were invited to consider the standards, taking into account the interests of commercial radio listeners as citizens and consumers, as well as industry concerns about a range of operational issues.

During the 12-week consultation period, the ACMA held a number of Gov 2.0 activities, including the webcast of a public forum and a series of roundtables with experts from industry and the community. Key issues in the review were discussed, including the need for regulation, the scope of any regulation and how regulation should be put into operation.

The review is considering the appropriateness, effectiveness and efficiency of current regulatory arrangements under the commercial radio standards, including the extent to which these achieve their current objectives and are consistent with the objectives and regulatory policy of the *Broadcasting Services Act*. The ACMA will release an options paper in the 2010–11 reporting period and will conduct further consultation for the review of the commercial radio standards.

Internet industry codes

The Internet Industry Spam Code of Practice was registered by the ACMA in March 2006 under section 117 of the *Telecommunications Act*. A review of the code commenced in 2007 and a revised code was submitted to the ACMA for registration at the end of 2009. During 2010, there were ongoing consultations with the code development committee, and it is expected the code will be finalised in the latter half of 2010.

The Australian eMarketing Code of Practice was registered by the ACMA in March 2005. Among other things, the code has been used to educate members of the e-marketing industry on appropriate practices to comply with the *Spam Act 2003*. The code is currently due for review.

Expected reviews of codes of practice for Australian internet service providers, registered pursuant to Schedule 5 of the *Broadcasting Services Act* have been postponed in view of the government's proposal to introduce mandatory filtering of RC content by Australian ISPs. It is anticipated that a code will be made in 2010–11 to encourage and support ISPs who wish to provide ISP level filtering.

Telecommunications industry codes

Telecommunications industry codes can be developed by industry bodies on any matter that relates to a telecommunications, e-marketing or telemarketing activity. Codes can be presented by industry bodies to ACMA for registration. If the ACMA is satisfied that the code meets the criteria stipulated in Part 6 of the *Telecommunications Act*, it is obliged to include the code on its register of industry codes and standards.

The ACMA registered the revised Industry Code—Information on Accessibility Features for Telephone Equipment on 30 March 2010. The revised code allows mobile suppliers to use the Mobile Manufacturers Forum's interactive Global Accessibility Reporting Initiative to provide information to consumers. More information about the initiative can be found on the Mobile Manufacturers Forum website.

Consumer-related telecommunications code funding

Telecommunications industry bodies and associations can apply to the ACMA for reimbursement of the refundable costs they incur in developing consumer-related telecommunications industry codes. The reimbursement scheme is set out in Division 6A of Part 6 of the Telecommunications Act.

No applications for reimbursement were received during 2009–10.

Broadcasting industry codes and guidelines

Under section 123 of the Broadcasting Services Act, representative industry groups may develop codes of practice in consultation with the ACMA, taking into account any relevant research conducted by the ACMA. Once implemented, the ACMA monitors these codes and deals with unresolved complaints made under them.

The ACMA includes a code in the register of codes of practice only if it is satisfied that it provides appropriate community safeguards for the matters covered, if it was endorsed by a majority of providers of broadcasting services in that section of the industry, and if members of the public have been given an adequate opportunity to comment.

Commercial Television Codes of Practice

On 18 December 2009, the ACMA registered a new commercial television industry code of practice. The new code came into effect on 1 January 2010. The code was developed by Free TV Australia (FTV)—the industry group representing commercial television broadcasters—in consultation with the ACMA.

The new code provides important viewer safeguards and should provide for a greater program choice on the emerging digital multi-channels.

For the first time, viewers are able to lodge complaints electronically using a live online form. The code sets out detailed rules for a range of matters including the classification of programs and program promotions, reporting of news and current affairs and time occupied by non-program material. New features of the code include:

- > amended sex and nudity restrictions in MA programs—all depictions of sexual activity or nudity and all verbal sexual references must now be relevant to the story line or program context and must not be high in impact
- > new provisions intended to encourage broadcasters to correct significant factual errors in news and current affairs programs in a timely manner
- > scope for broadcasters to schedule additional amounts of non-program matter on digital multi-channels, facilitating flexibility in program scheduling in the channels' establishment period
- > new protections in reality television programs, as recommended in the ACMA's Reality Television Review, where broadcasters will be expressly prohibited from presenting participants in reality television programs in a highly demeaning or highly exploitative manner.

Commercial Radio Codes of Practice

On 19 February 2010, the ACMA registered the Commercial Radio Australia Codes of Practice and Guidelines 2010, except for Code 4 (Australian music). The codes were developed by Commercial Radio Australia (CRA) in consultation with the ACMA and cover a range of matters concerning commercial radio broadcasters, including:

- > material that should not be broadcast
- > requirements for accuracy in news and current affairs
- > privacy protections
- > the rules for advertising
- > responsive complaints.

In enhancements to the codes, anti-discrimination clauses have been aligned with those in television codes and with state and territory legislation to enable them to be applied more consistently. The audience test for standards of decency provisions has been simplified, and the accuracy and privacy protections in the presentation of current affairs programs have been clarified and extended to include provision for a correction.

In addition, for the first time, commercial radio broadcasters will be required to accept complaints electronically. From 1 July 2010, a progressive rollout of electronic complaints-handling will be commenced by commercial broadcasters serving more than 65 per cent of the listening audience.

Code 4: Australian Music was registered on 10 June 2010. Code 4 sets quotas for the broadcast of Australian music by commercial radio licensees. To promote consumer take-up of digital radio, and consistent with the regulatory approach taken for digital television services, the ACMA has agreed to register a temporary exemption from the Australian music obligations for new digital-only services. Providing digital-only services with an exemption will give broadcasters the flexibility to experiment with programming formats including the programming of niche services that target a particular audience and 'event channels'.

CRA is also considering the development of a new code, in consultation with the ACMA, to take account of the outcomes to the ACMA's investigation into the adequacy of community safeguards for the protection of participants in live hosted commercial radio. Pursuant to the requirements of section 123 of the BSA, the public will be given an opportunity to comment on the draft codes once they are developed.

It is anticipated that the new codes for participants will be finalised for registration during the 2010–11 financial year.

Community broadcasting reviews

During the reporting period, the ACMA developed the *Community Broadcasting Participation Guidelines* to help community broadcasters understand and comply with licence condition requirements to:

- > *encourage community participation in the operations of the service, and in the selection and provision of programs*
- > *continue to represent the community interest they represented when the licence was allocated or last renewed.*

The guidelines were finalised after extensive consultation with the community broadcasting sector, including the issuing of two drafts of the guidelines for comment.

The *Community Broadcasting Not-for-Profit Guidelines* were also in development during the reporting period. Both guidelines are part of the ACMA's continuing responsiveness to the needs of the community broadcasting sector and its audience.

Consumer safeguards

The ACMA monitors the service performance and compliance of communications companies with safeguards that establish minimum performance standards and information obligations for communications service providers.

Advice to government on consumer safeguard reforms

In 2009–10, the ACMA provided advice to government on a package of proposed reforms to telecommunications consumer safeguards announced with the introduction of the Telecommunications Legislation Amendment (Competition and Consumer Safeguards) Bill 2009. The ACMA provided advice on the basis of its experience monitoring and enforcing existing regulatory arrangements (explained in more detail below) for the fulfilment of the Universal Service Obligation (including payphones), the Customer Service Guarantee and Priority Assistance.

The Bill had not been passed as at the end of the reporting period.

Telecommunications Industry Ombudsman

Carriers and eligible carriage service providers are obliged to enter into a scheme provided for by the Telecommunications Industry Ombudsman (TIO). The TIO scheme provides an alternative dispute resolution service for small business and residential customers, with unresolved complaints about their telephone or internet services.

The TIO may investigate, make determinations and give directions relating to complaints about carriage services by end-users of those services. The TIO's powers have now increased giving it the authority to make binding decisions up to the value of \$30,000, and recommendations up to the value of \$85,000.

Carriers and eligible carriage service providers have an obligation under the *Telecommunications Consumer Protection and Service Standards Act 1999* (the TCPSS Act) to join the TIO scheme. Members of the TIO scheme must comply with the scheme, which means they agree to comply with the TIO memorandum and articles of association and the TIO constitution.

Section 129 of the TCPSS Act allows the ACMA to declare a carrier or eligible carrier service provider exempt from the TIO scheme.

In 2009–10, the ACMA did not grant any exemptions from the obligation to join the TIO scheme.

Universal service obligation and digital data service obligation

Part 2 of the TCPSS Act establishes a universal service regime administered by the ACMA. The regime includes the universal service obligation (USO).

The digital data service obligation was part of the regime until December 2008, when Telstra's designation as the digital data service provider was revoked by the minister. The digital data service obligation had been made redundant by the extension of the Australian Broadband Guarantee.

The USO is the obligation placed on universal service providers to make sure that standard telephone services, payphones and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.

Telstra continues to be the only universal service provider and is responsible for all areas in Australia. The ACMA monitors Telstra's performance in fulfilling these obligations and reports on these matters in its annual communications report.

For information about USO funding and eligible revenue assessment, refer to page 67.

Payphone performance

As the universal service provider, Telstra must provide payphones that are reasonably accessible on an equitable basis to all people in Australia. This obligation covers the supply, installation and maintenance of payphones. The ACMA monitors payphone performance quarterly against measures specified in Telstra's Standard Marketing Plan (SMP) and publishes relevant data on its website.

The ACMA has a complaint-handling role concerning Telstra's removal of payphones and any refusal by Telstra to relocate payphones, where the matter has not been resolved directly with Telstra to the complainant's satisfaction.

In 2009–10, the ACMA received 19 payphone removal complaints and finalised 17 of its reviews within the reporting period. Of the 17 reviews finalised, all resulted in a finding that Telstra had complied with its SMP and other agreed processes. The ACMA expects to finalise the two open reviews early in the next reporting period.

Customer Service Guarantee

The ACMA monitors the performance of CSPs against the CSG Standard timeframes, and publishes performance information on its website and in other reports such as its annual *Telecommunications Performance Bulletin*. Quarterly performance data, covering the preceding calendar year, is published in each reporting period. In 2009–10, five reports covering the December 2008 and March, June, September and December 2009 quarters were published. The *Telecommunications Performance Bulletin* for 2008–09 was published in January 2010.

Data for the March 2010 quarter was not published before the end of the reporting period due to the time required to collect and analyse data from CSPs. It is expected to be published early in the next reporting period.

The ACMA also receives notification of exemptions declared by CSPs for mass service disruptions and monitors this information to determine that the requirements for declaring exemptions have been met.

Network Reliability Framework

The Network Reliability Framework (NRF) is a three-tiered compliance and reporting framework that aims to improve the reliability of Telstra's fixed-line telephone services for customers who have no more than five lines. The NRF complements other consumer safeguards such as the USO and the CSG standard. It provides information on the general reliability of the Telstra network and also addresses the areas of worst performance, with a primary focus on customers experiencing ongoing problems with reliability.

Under the NRF, Telstra is required to provide the ACMA with network performance reports at three levels:

- > Level 1—geographical area level, based on Telstra's field service areas
- > Level 2—disaggregated parts of the network known as cable runs
- > Level 3—the individual service level.

All Telstra services covered by the CSG are included (that is, residential and small business customers with five lines or fewer). The Level 2 requirement is for Telstra to undertake remediation work on a minimum of 40 of the worst-performing cable runs each month and provide reports on these remediations. There is a requirement for the average network event volume to be reduced by 90 per cent in the six month period following remediation on those cable runs.

The ACMA is required to approve the initial selection of cable runs in line with a prescribed formula and to receive reports on the remediations. Where a remediation timeframe has not been met, and the reasons for this comply with specific requirements, the ACMA can grant an extension of the remediation timeframe. In 2009–10, Telstra reported and the ACMA approved 480 cable runs for remediation under the Level 2 obligations and granted eight extensions of time for remediation.

The Level 3 requirement is for Telstra to remediate individual services that have experienced more than three fault or service difficulties in a 60-day rolling period or more than four fault or service difficulties in a 365-day calendar period. The ACMA is required to approve a proposed remediation plan for the services. In 2009–10, Telstra reported 2,717 Level 3 contraventions for which the ACMA approved all submitted remediation plans.

Service performance under the NRF is reported in the ACMA's annual communications report.

Priority assistance

Priority assistance is an enhanced telephone connection and repair service for people with a diagnosed life-threatening medical condition who are at risk of suffering a rapid, life-threatening deterioration in their condition. The service provides residential customers with access to a reliable, fully operational home telephone service to call for assistance when needed.

Priority assistance customers are entitled to faster connection and fault repair times—24 hours in urban and rural areas, and 48 hours in remote areas—and greater service reliability. If a priority assistance customer experiences two or more faults in a three-month period, substantial telephone service testing is undertaken by the carrier.

It is a condition of Telstra's carrier licence that it implements an effective priority assistance system. Telstra's priority assistance performance information is reported on the ACMA's website.

The licence condition requirements for priority assistance only apply to Telstra. AAPT provides performance information to the ACMA on the priority assistance service it provides under requirements specified in the Industry Code ACIF C609:2007 *Priority Assistance for Life Threatening Medical Conditions*, which was first registered in 2003. Optus provides a priority service for its customers with life-threatening medical conditions in accordance with its own guidelines, rather than the registered code.

Local presence plan

Under its licence conditions, Telstra is required to maintain a local presence in regional, rural and remote Australia, to the extent that this is broadly compatible with its overall commercial interests. It is also required to report on its performance against the plan to both the ACMA and the minister.

In 2009–10, ACMA received Telstra's report for the 2008–09 reporting period. The ACMA's review confirmed compliance with the licence condition.

National Relay Service

The National Relay Service (NRS) provides people who are deaf, or who have a hearing or speech impairment, with access to a standard telephone service on terms, and in circumstances that are comparable to the access other Australians have to a standard telephone service. There is also an outreach component to raise awareness of the NRS throughout Australia and to offer training and support in its use.

The NRS legislative obligations are outlined in Part 3 of the *Telecommunications (Consumer Protection and Service Standards) Act 1999*.

The relay and outreach services are delivered under separate contracts with the Australian Government. Since 1 July 2006, the relay service has been provided by the Australian Communication Exchange Ltd (ACE) and the outreach service has been delivered by WestWood Spice (WWS), a marketing and communications company.

The ACMA has legislated responsibilities for a number of items relating to the NRS including:

- > collecting the NRS levy from eligible telecommunications carriers for payment to the NRS providers for the cost of providing the NRS
- > regular monitoring of the performance of the NRS providers
- > the provision of an annual performance report to the minister.

In addition, since 1 July 2006, the ACMA has been responsible for managing both contracts for the provision of the NRS. In 2009–10, key activities undertaken by the ACMA relating to these contracts include:

- > commencement of consideration of arrangements for the ongoing provision of the NRS after the current contracts expire on 30 June 2011, including working with DBCDE on a consumer consultation process about the future of the NRS, as announced by the minister in April 2010
- > approval of new DVD and video materials, providing information about the use of the relay service by people with complex communication needs and businesses seeking to become 'relay service friendly'
- > approval of an additional board member for the National Relay Service Customer Consultative Committee (NRSCCC) from the National Seniors' Organisation
- > organisation of a roundtable discussion of the results of the NRS user surveys, involving both providers and the independent consultants who undertook the surveys.

The ACMA has an ongoing role in the contract management responsibilities to the delivery of the NRS service. Such responsibilities include the annual approval of the NRS Plan and other plans submitted to the ACMA under current contractual requirements, approval of a range of new and revised promotional material and ongoing review of contractual obligations with both contractors.

Refer to page 68 for information about funding of the NRS.

Performance reporting

The ACMA monitors the quarterly performance of both NRS providers and is required to provide an annual report to the minister on their performances, against the requirements of the NRS Plan. The NRS Plan includes performance standards applicable to the provision of the relay and outreach service components.

The performance report for 2008–09 was provided to the Minister for Broadband, Communications and the Digital Economy on 1 March 2010 and is available on the ACMA's website.

Consultation with users

The NRS Customer Consultative Committee (NRSCCC) continued in 2009–10 under the auspices of the NRS relay service provider. The ACMA has an observer role on this committee, and is also able to nominate new members and must approve membership. As noted above, an additional member for the committee was approved by the ACMA in March 2010. The NRSCCC held meetings in October 2009 and April 2010, thereby fulfilling the contractual requirement of holding at least two meetings each financial year. Representatives of the ACMA attended both meetings.

Do Not Call Register

The *Do Not Call Register Act 2006* (the DNCR Act) requires the ACMA to keep, or to arrange for another person to keep, the Do Not Call Register. The register was launched on 3 May 2007 and originally allowed individuals to list their home, mobile and internet-based numbers to opt out of receiving unsolicited telemarketing calls. The *Do Not Call Register Legislation Amendment Act 2010* expanded the register to include government numbers, emergency service numbers and fax numbers. There is no cost for listing numbers on the register.

Numbers can be registered if they are:

- > used or maintained primarily for private or domestic purposes, or
- > used or maintained exclusively for transmitting and/or receiving faxes, or
- > used or maintained exclusively for use by a government body, or
- > an emergency service number.

Numbers can be registered through the register's website, by post or by telephone. More than 1.49 million numbers were added to the register in 2009–10 and, by 30 June 2010, a total of 5.04 million numbers had been registered.

There is a general prohibition on making unsolicited telemarketing calls or sending unsolicited marketing faxes to a number listed on the register. There are limited exemptions to enable certain public interest organisations to call or fax numbers listed on the register. Exceptions also apply where the account-holder of a number on the register consents to the call or fax or where consent can be reasonably inferred.

To avoid breaching the DNCR Act, telemarketers and fax marketers are able to submit their contact lists to the register operator for checking against the register. By 30 June 2010, 4,451 telemarketers were registered to check numbers and more than 3.10 billion numbers had been checked, or 'washed', against the register.

For telemarketing complaints and investigations under the *Do Not Call Register Act 2006*, refer page 93.

Register contract

On 1 February 2007, the Commonwealth entered into a four-year, \$13.3 million (including GST) contract with Service Stream Solutions Pty Ltd to establish, operate and manage the Do Not Call Register. The value of this contract at 30 June 2010 was \$15.04 million (including GST), after acquisitions of additional services, including:

- > extra capacity for the telephone registration system during its launch
- > the incorporation of an additional means of submitting contact lists for checking against the register
- > improvements to the complaints management system
- > systems modifications to meet the new requirements of the *Do Not Call Register Legislation Amendment Act 2010*.

The ACMA manages the contract and assesses Service Stream Solutions' performance under the contract monthly. During 2009–10, the ACMA remained satisfied with the contractor's performance.

For information about Do Not Call Register access fees and cost recovery, refer to page 67.

DNCR industry and consumer awareness campaign

During the reporting period, the ACMA continued to raise awareness of the Do Not Call Register by educating consumers and industry on their rights, roles and responsibilities under the DNCR Act.

The Do Not Call Register website www.donotcall.gov.au provides detailed information about the operation of the register and the DNCR Act, including information sheets and an online enquiry form. A downloadable consumer brochure is also provided in six different languages.

The 2009–10 communication strategy included a general awareness campaign, a re-registration campaign (run from March 2010 through to May 2010), a targeted campaign to non-English-speaking communities and the 18–25 year age bracket, and updating collateral as required.

The ACMA's electronic newsletter *Making the right call* was re-designed to an e-bulletin format to improve the ACMA's communication with the telemarketing and fax marketing industry. This bulletin is sent to all Telemarketer Access Portal users and is available for download on the DNCR industry website.

The ACMA also released a new *Compliance and Enforcement Bulletin*. The bulletin, which is released quarterly, provides the public with comprehensive statistics about the number and types of complaints received. It also provides information about action taken by the ACMA in response to consumer complaints, including both informal and formal compliance action.

Regular articles in *ACMAsphere*, the ACMA's monthly newsletter, have continued to provide key stakeholders with updates on consumer and industry issues including industry compliance, progress with investigations and number registration trends.

Performance audit of the Do Not Call Register

In December 2009, the Australian National Audit Office (ANAO) reported to parliament on its findings of the performance audit of the ACMA's effectiveness in managing, operating and monitoring the register, including its compliance with legislative requirements.

The report made three recommendations relating to:

- > putting effective information security governance arrangements in place
- > improving the information provided to complainants and increasing awareness of the right to complain
- > further improving transparency and minimising the risk of inconsistency in compliance enforcement decision-making.

The ACMA accepted all three recommendations and has now implemented system and process changes to address the recommendations.

Fax marketing industry standard for unsolicited faxes

The ACMA is developing a fax marketing industry standard to reflect the recent changes to the DNCR Act to include fax numbers. The standard will establish a minimum set of requirements for sending faxes and attempt to balance community and industry expectations about sending faxes. It will give consumers certainty about the minimum level of conduct they can expect from persons sending unsolicited marketing faxes.

Expansion of the Do Not Call Register

The *Do Not Call Register Legislation Amendment Act 2010* was passed by parliament and the operational changes came into effect on 30 May 2010. The changes were a result of an extensive consultation process conducted by the government with key stakeholders.

The two key changes were:

- > expanding the register to include emergency service, government telephone, and fax numbers
- > giving the Minister for the Department of Broadband, Communications and the Digital Economy the ability to extend the registration period from three years. The registration period was subsequently increased to five years by Ministerial Determination, which came into effect on 30 May 2010.

The ACMA is responsible for implementing all operational changes to the register. Phase 1, which has been completed, included changes to subordinate legislative instruments, system changes (website and interactive voice response) and updating web content.

Phase 2 involves amending the Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 and developing a fax marketing industry standard. The ACMA is working closely with the fax and telemarketing industries, and public consultation on the fax marketing standard has commenced. Phase 2 is expected to be completed by the end of 2010.

Extended zones agreement

In June 2001, the government entered into a 10-year, \$150 million contract with Telstra to provide untimed calls at the local call rate, untimed internet access and other enhanced services to the extended zones in remote Australia.

As contract manager on behalf of the government, the ACMA assesses the extent to which the agreement's objectives of maintaining and enhancing existing service levels were met. From January 2008, it was agreed with Telstra that it would report annually on compliance issues, instead of monthly. The ACMA continued to monitor Telstra's compliance with the agreement in the reporting period.

Mobile phone coverage

In 2009–10, the ACMA monitored carrier performance under four government contracts awarded to improve mobile phone coverage in selected regional towns and on key highways across Australia. The ACMA advised the contract manager (DBCDE), on the performance of the contractor (Telstra) under the agreements. Ongoing monitoring activities based on carrier self-reporting include:

- > half-yearly reporting on Telstra's performance relating to the funding provided to it for mobile phone coverage in designated locations
- > half-yearly quality of service monitoring of Telstra's performance under three contracts to provide improved mobile phone coverage in selected small towns and segments of regional highways.

Telstra Next G™ Network coverage

On 15 April 2008, the minister announced that Telstra had met the requirements of its licence condition to allow closure of its CDMA mobile phone network from 28 April 2008. Since April 2008, the ACMA has been responding to enquiries and complaints about coverage of the Telstra Next G™ Network to assess whether there are any issues related to Telstra's licence condition (to maintain mobile coverage that is equivalent to or better than the former CDMA network).

The ACMA received one complaint from a Next G™ customer about equivalence of coverage during the period 1 July 2009 to 30 June 2010. This is down from 20 enquiries and complaints received in the preceding reporting period. The current complainant, as with previous complainants, reported that their Next G™ mobile phone cannot be used in all areas locally where they previously used their CDMA phone. Assessment of the complaint has not indicated problems with Telstra maintaining equivalent coverage as required under the relevant licence condition.

The ACMA has provided a written response to the complainant discussing coverage in their area and explaining equivalence of coverage. Guidance was provided as to how they can best rectify their coverage concerns and advice on suitable handsets for the area.

Internet Assistance Program

A licence condition on Telstra commenced on 9 October 2003 to assist customers on dial-up internet services to achieve a Minimum Equivalent Throughput (MET) of 19.2 kbit/s. The licence condition directs Telstra to provide a self-help service to assist users of dial-up internet to achieve the specified MET.

Telstra is required to report to the ACMA on its compliance. As part of the Internet Assistance Program (IAP), the ACMA continues to liaise with Telstra regarding its performance under the licence condition.

Information on the IAP is published by the ACMA on its website.

Protection of consumer information

The ACMA has powers and responsibilities under the Telecommunications Act that contain specific privacy provisions relating to the protection of communications. Part 13 of the Telecommunications Act outlines a series of limitations and exceptions for the protection of personal particulars and communications, and provides for the ACMA to administer the Integrated Public Number Database (IPND) Scheme.

The IPND is an industry-wide database of all listed and unlisted public telephone numbers. It was established in 1998 and is currently managed by Telstra under the Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997.

The IPND Scheme allows for the assessment of applications for authorisation for public number directory publishers and researchers of a kind specified by the minister as being in the public interest. In the year to 30 June 2010, four authorisations to publish public number directories were granted and two applications are currently under consideration. The ACMA also granted the first authorisation for access to IPND data for research purposes. Another application for research purposes is under consideration. One authorisation granted in the 2009–10 financial year was revoked at the request of the authorised party. As a result, as at 30 June 2010, four entities hold authorisations to access IPND data for the purpose of publishing public number directories and one entity holds a research authorisation.

In 2009–10, the ACMA received one application under section 558 of the Telecommunications Act for reconsideration of the ACMA's decision not to grant authorisation. The ACMA has 90 days within which to make a decision on a reconsideration application. A decision to refuse authorisation is reviewable by the Administrative Appeals Tribunal. The ACMA affirmed its decision not to grant authorisation to the applicant.

Community awareness

The ACMA's role includes informing consumers about communications products and services that are available to them, and ensuring that industry and consumers are informed about their communications rights and obligations.

Cybersafety: The Cybersmart program

The ACMA's role includes the development and implementation of a national cybersafety education program. This role is conferred on the ACMA under Schedule 5 of the BSA. As part of its cybersafety plan, the government announced additional funding in the 2009–10 Budget of \$21 million over four years, which includes the ACMA's cybersafety education activities.

In 2009–10, awareness activities focused on:

- > the launch of the Cybersmart website and Cybersmart Online Helpline in July 2009
- > the continuing development and deployment of internet safety presentations and teacher professional development for the outreach program
- > the development of cybersafety education programs and information material for schools, parents and libraries.

Cybersmart website and helpline

The Cybersmart website, www.cybersmart.gov.au, was launched in July 2009, offering young people, parents, teachers and library staff a one-stop shop for cybersafety information and education resources.

The Cybersmart website features news, resources and information about current cybersafety issues and provides practical advice on how to deal with them.

In addition to information, videos, animations and activities about how to be safe online, the website links to the Schools Gateway, which has comprehensive training and support material for teachers, and links through to the Cybersafety Outreach program. The website also hosts cybersafety information and training resources for library staff.

From the launch in July 2009, visitor numbers to the website have continued to grow, with over 397,000 visits since the July launch. Feedback continues to be very positive, with over 350 links to the website from national and international sources, and endorsements from key industry and non-government organisations such as Telstra, Google and MySpace.

Mrs Riva Cohen and students from Beth Rivkah Ladies College at the launch of the Cybersmart website, 13 July 2009.



The Cybersmart Online Helpline is accessed via the Cybersmart website. It offers real-time online counselling and advice to young people who are experiencing online issues such as cyberbullying, dealing with online relationships, or loss of online privacy. The service is provided in conjunction with the Kids Helpline, whose counsellors are experts in helping young people deal with their concerns. The service is free to young people, and confidential.

Cybersafety Outreach program

The ACMA provides a substantial and broad-ranging Cybersafety Outreach education program for teachers, students and parents across Australia. These presentations and workshops provide valuable information on the risks confronting children online, as well as giving appropriate tools and strategies to help make experiences with online technologies safe and positive. All programs and resources are free of charge.

The Outreach program currently consists of:

- > Internet Safety Awareness presentations to teachers, students, parents and other key stakeholders
- > Professional Development for Educators workshops
- > Cybersafety education for pre-service teachers in primary, secondary and graduate diploma courses at university.

The Internet Safety Awareness presentations are easy-to-understand, non-technical and informative. The presentations cover a range of issues including:

- > the ways children engage with the online world and emerging technologies
- > the potential risks faced by children when online, such as cyberbullying, identity theft, inappropriate contact and exposure to inappropriate content.

Empowerment and education underpin the presentations, offering effective strategies to help young people make wise and safe choices within their online communities.

The Professional Development (PD) for Educators program is a full day workshop offered nationally either onsite at individual schools or offsite in central training venues. It provides teachers with a comprehensive understanding of a modern student's technology profile, digital literacy, positive online behaviour, personal and peer safety and the schools' and teachers' legal obligations to minimise and address risks. The program encourages participants to reflect critically on policies and practices within their school communities. The PD for Educators program has been accredited by the New South Wales Institute of Teachers, is endorsed by the Victorian Institute of Teaching and is recognised by all other state and territory teacher registration bodies.

The Cybersafety program for pre-service teachers uses a combined lecture and tutorial approach. It provides trainee teachers with up-to-date knowledge, skills and practical advice on cybersafety to complement the core safety skills they will teach to Australian children.

All programs are regularly updated to respond to issues emerging from the changing digital landscape.

In 2009–10, the ACMA's Cybersafety Outreach program delivered 1,181 presentations to more than 123,829 teachers, parents and students. Participation in the PD for Educators program rose by 270 per cent on the previous year, with 5,427 teachers and educators attending one of the 163 workshops held in 2009–10.

The pre-service teacher program was piloted in October 2009 with more than 650 trainee teachers, educators, academics and other stakeholders participating in the 22 lectures and tutorials. The program was officially launched in June 2010 with over 100 university students attending the first lecture and tutorial.

Demand for all Cybersafety Outreach programs continues to be strong. To meet this demand and build on the Cybersafety Outreach program, additional staff and trainers with education and training backgrounds were engaged in 2010.

To further help service demand and increase access to the PD for Educators program, especially for those teaching in remote and regional areas, a set of e-learning modules are currently being developed. This interactive online program will provide the same information as the face-to-face equivalent and will be officially launched in 2010–11.

Case study

The ACMA's Cybersafety Outreach PD program actively supports behavioural change in schools

Teachers at Christies Beach Primary School in Adelaide, South Australia are actively making a difference to the online safety and wellbeing of their students. After attending the ACMA's Cybersafety Outreach Professional Development (PD) for Educators workshop, teachers Wendy and Jonathon have begun implementing a range of changes and new cybersafety initiatives to the ICT culture of their school community.

The ACMA's PD for Educators workshop gives teachers the tools to make behavioural changes through skills-building, case studies and knowledge that is evidence-based and appropriately targeted. It provides teachers with a comprehensive understanding and appreciation of the current generation of students and how young people experience and use online technologies. Complementing this knowledge, participants also learn how to effectively use the ACMA's Cybersmart resources. These materials enable schools to implement cybersafety strategies that are preventative and practical.

'I can now discuss popular technologies with students using their 'language' which gives me credibility with the students. Most importantly, the ACMA's Cybersafety Outreach workshop gave me the confidence to address cybersafety issues with our students,' said Wendy.

The program sends trainers with an education background into schools to deliver targeted and customised awareness-raising presentations to teachers, students and parents as well as the one-day PD for Educators workshop. Since the program's launch in 2009, the Outreach presentations and workshops have been in high demand.

At Christies Beach Primary School, Wendy and Jonathon are passionate advocates of cybersafety education and, recognising PD for Educators as 'best practice', they are now aiming for best practice programs and initiatives in their school.

The ACMA's range of Cybersmart programs and resources, including the Cybersafety Outreach PD for Educators, has assisted Christies Beach Primary School to make these changes.

'These have helped me plan and source current and relevant information needed for our lessons. They are also a way to open dialogue,' said Wendy.

The activities of Christies Beach Primary School include auditing and updating both the student and staff internet use agreement, involving the Student Representative Council in the creation of broader agreements to include other forms of digital technologies, educating staff about their duty of care and installing the ACMA's Hector's World™ safety button on all the library computers and school smartboards.

These initiatives demonstrate that behavioural changes are influenced and supported by the whole-school approach of the PD for Educators workshop.

'I am pleased to report that our students have taken on board the cybersafety message; when asked about how many of them have privacy settings, all their hands go up now.

'It has been beneficial for us in ensuring the welfare of our students and staff here at Christies Beach Primary School,' said Wendy.

Cybersmart resources are based on the framework for effective education programs that was first identified by the ACMA in its ministerial report *Developments in internet filtering technologies and other measures for promoting online safety*.⁸ The framework contains six key elements for an effective awareness program, all of which were carefully incorporated into the development of the Cybersafety Outreach program.

Feedback from participants and evidence of changes being implemented in their schools demonstrates that schools can achieve best practice through cybersafety education. The ACMA will build on this evidence of behavioural change with an independent review of the Cybersafety Outreach program in 2010–11 and will continue to deliver on the Australian Government's commitment to provide cybersafety education, awareness and counselling programs.⁹



Wendy and Jonathon in front of Christies Beach Primary School.

8 ACMA (April 2009) *Developments in internet filtering technologies and other measures for promoting online safety*, Australian Communications and Media Authority: www.acma.gov.au/webwr/_assets/main/lib310554/developments_in_internet_filters_2ndreport.pdf

9 Conroy, S. (15 December 2009) *Measures to improve internet safety of the internet for families*, Minister for Broadband, Communications and the Digital Economy: www.minister.dbcde.gov.au/media/speeches/2009/075

Cybersafety education resources

In 2009–10, the ACMA expanded its existing range of cybersafety education resources for schools by launching several new resources.

In July 2009, the ACMA, in partnership with Hector's World Ltd, introduced Hector's WorldTM to Australia. Hector's WorldTM is an innovative online safety resource for young children featuring an animated dolphin called Hector. The resource, which includes animated episodes and lesson plans, is targeted at young primary-school-age children.

The original episode set of Hector's WorldTM focused on protecting personal information online. In August 2009, the ACMA launched a new episode called *Cyberbullying: You're Not Alone*, encouraging young people to think about how they would respond if they or someone they knew was experiencing cyberbullying. In June 2010, a new computer security episode, *Computer Security: Oops!*, was launched. The episode encourages children to be aware of security risks such as viruses, the need for safe passwords and the dangers associated with clicking on pop-ups.

In September 2009, the ACMA launched Let's Fight It Together, a comprehensive package for secondary schools to use in combating cyberbullying. Let's Fight It Together was adapted for Australian audiences from a program originally developed in the UK by Childnet International. The Australian version includes customised advice and lesson plans, and video interviews with Australian children discussing their understanding of the issue of cyberbullying.

These new resources were added to the ACMA's existing suite of cybersafety resources for schools. The suite comprises interactive multimedia products for primary and secondary schools, teacher activities and lesson plans for classroom use. Key resources are:

- > CyberQuoll www.cybersmart.gov.au/cyberquoll for primary school students
- > CyberNetrix www.cybersmart.gov.au/cybernetrix and Wise Up To IT www.cybersmart.gov.au/wiseuptoit for secondary students.

The ACMA has also continued to work with SuperClubsPLUS Australia, a protected social learning environment for school children aged 6 to 12 years, to develop and deliver a Cybersmart Badge within the club. Since going live in April 2009, more than 30,000 children have attempted the Cybersmart Badge, which comprises a series of cybersafety activities including a quiz and a home audit. Other cybersmart activities included a well-attended 'guest seat' session, conducted in association with Safer Internet Day on 10 February 2010.

Interactive shared learning activities—Cybersmart Detectives and Cybersmart Hero

Interactive shared learning activities are online activities developed for use in schools and designed to teach children how to stay safe in the online world. The interactive nature of these programs has meant that they have proven to be very popular with school children, and endorsed as a valuable learning tool by teachers. The activities target young people in the final year of primary school.

Cybersmart Detectives is the original activity rolled out under the interactive shared learning platform. This activity deals with the issue of predatory behaviour in online social media, encouraging young people to think before giving out their personal information online, and to remember that people they meet online may not be who they say they are. In 2009–10, this activity was played by over 6,850 students throughout Australia. An updated version of the activity, featuring enhanced interactivity and new lesson plans and support material, was launched in September 2009.

During the year, the ACMA commissioned an independent evaluation of its Cybersmart Detectives program to measure its effectiveness and ascertain how it can be further enhanced. The outcome of this research is expected by the end of 2010.

In June 2010, the ACMA launched the new Cybersmart Hero activity. This activity covers the issue of cyberbullying and encourages young people to think about how they would act if someone they knew was being cyberbullied. Initial feedback about this activity has been very positive, and it will be enhanced and further rolled out in the 2010–11 year.

Cybersafety information for parents

The ACMA also undertook work to develop cybersafety resources for parents. Research was carried out during the year into what types of cybersafety information parents require and which channels for delivery are most appropriate. This research was used as a basis for the preparation of a suite of cybersafety materials and advice for parents. The development of comprehensive tips, advice and information for parents, made available on the new Cybersmart website, was the first stage of this development, and this will be added to early in the 2010–11 year with new hard copy and interactive resources for this audience.

Cybersmart initiatives

In 2009–10, the ACMA implemented a range of initiatives in delivering its Cybersmart program. A total of 136,612 participated in the 1,540 presentations, workshops and shared learning activities offered across the reporting period. In addition, a total of 1,321,983 Cybersmart resources were distributed to schools and families throughout Australia.

Key partnerships

The ACMA has continued to collaborate with Australian and international agencies involved in online safety.

Table 32: ACMA Cybersafety initiatives

Type of initiative	2009–10	Total to date
Internet Safety Awareness presentations¹⁰		
Events	1,213	1,781
Attendees	126,069	180,296
Personal Development workshops¹¹		
Events	150	216
Attendees	3,695	5,153
Interactive Shared Learning—Cybersmart Detectives¹²		
Schools	170	481
Students	6,580	13,718
Interactive Shared Learning—Cybersmart Hero¹³		
Schools	7	7
Students	268	268
Total events	1,540	2,485
Total participants	136,612	199,435
Key resources¹⁴		
Wise Up To IT DVD	39,133	76,305
Let's Fight It Together DVD	9,306	9,306
CyberQuoll DVD	1,755	3,715
CyberNetrix DVD	2,571	4,221
Cybersmart brochures	1,022,447	1,146,635
Other resources (Guide for Families, posters, Guide for Library Staff)	246,771	393,158
Total resources delivered	1,321,983	1,633,340

¹⁰ Internet Safety Awareness Programs have been available from 1 July 2007.

¹¹ Professional development workshops have been available from 2 January 2009.

¹² Cybersmart Detectives has been available from 3 January 2008.

¹³ Cybersmart Heroes has been available since June 2010

¹⁴ Cybersmart resources have been available from 4 April 2008 to June 2010.

Internationally, the ACMA has signed memorandums of understanding with NetSafe (New Zealand's online safety advisory body) and Childnet International (UK). Under these agreements, the ACMA shares information and works collaboratively with these agencies on cybersafety matters. For NetSafe, this will include work to customise cybersecurity measures for secondary school students, which will be rolled out in 2010–11.

Other key partners include agencies involved in the government's Consultative Working Group on Cybersafety, of which the ACMA is a member, as well as state and federal police forces and education departments.

Working with these partners, the ACMA organised Australia's contribution to international Safer Internet Day on 9 February 2010. Safer Internet Day events were coordinated internationally by INSAFE, the European network of internet safety organisations. Australia is an associate member of INSAFE and has participated in Safer Internet Day since 2004.

Research program

The ACMA published its *Click and connect: Young Australians' use of online social media* study in July 2009. The outcomes of the research project continue to be used to inform the development of new cybersafety advice and resources for young people and parents. A follow up to this study is planned 2010–11.

Social networking

Recognising the potential for misuse of personal information that is disclosed in online dating sites, the ACMA produced a well-received Valentine's Day 'LOVE' postcard. This information product, the most popular promotional postcard available at 600 youth-friendly venues during its distribution period, was designed to promote safe online behaviour by providing practical advice on how to stay in control of how and who accesses a user's personal information. The postcard alerted users of online dating sites to the potential risks of sharing personal information online, which can lead to scams and can have an impact on their identity, reputation, physical safety and the safety of their family, computer and finances.

The postcard strategy was chosen for its easy pickup and accessibility of information, concise message delivery and attractive layout. The postcard was made available through venues including universities, TAFE colleges, student-frequented venues including cafes and restaurants, bars, clubs, cinemas, galleries and museums.

The ACMA also promoted appropriate online behaviour through information on its website which alerted users to the potential legal risks associated with posting comments about an individual or organisation or uploading footage of themselves or other people behaving inappropriately.

Telecommunications awareness

The number of consumer complaints about the receipt of, and the inability to unsubscribe from, unwanted mobile premium services continued to be significant at the start of the reporting period. Recognising this, the ACMA provided information on its website about new protections for users of mobile premium services. These protections, including the ability for mobile phone users to block all mobile premium services, will be universally available from the beginning of the next reporting period.

As an increasing number of non-English-speaking consumers are likely to be users of new communications technologies and services, including mobile premium services, the ACMA has made available information on mobile premium services in 20 commonly used community languages in Australia.

For information on the regulation of MPS, refer page 125.

The ACMA's monitoring of emerging issues, including those highlighted by the media, identified certain privacy and security risks arising from the growing number of mobile phone users now using smartphones, including to access online services. Recognising the seriousness of these risks, the ACMA contributed to a z-Card, *Mobilise your phone privacy—Top tips*, that was released jointly by the ACMA, DBCDE and the Office of the Privacy Commissioner during Privacy Week in May 2010. The z-Card includes tips on how to secure mobile phone settings, how to block location information of the phone and the user, how to set a password or pin, and to think twice before opening attachments or clicking on unfamiliar links.

Internet awareness Special audiences

The ACMA has translated important information about online social networking into more than 20 languages in common use in Australia. The information covers risks and safety advice for users of online social networking services and can be downloaded from the ACMA website. The ACMA also participated in several events for National Cyber Security Awareness Week in June 2010, including a Cyber Security Roundtable Discussion for people with disabilities.

Research and reporting

The ACMA undertook a range of research into changing use and community attitudes towards communications and media services, and technology and market developments. The research and reporting program supports the ACMA in meeting its statutory obligations to report and advise the minister on telecommunications, radiocommunications and broadcasting, internet and datacasting services. It assists the ACMA in making informed decisions as an evidence-based regulator and understanding the implications that regulation of communications and media markets may create.

The role of the ACMA's research and information in decision-making and regulatory policy development is outlined in the document *Evidence-informed regulation: The ACMA approach*, which was released during the reporting year.

The research program explores four broad themes:

- > digital society examining consumer and audience attitudes, concerns and service use
- > business models, trends in service developments and supply arrangements
- > technology and technical developments
- > economic analysis and regulatory design best practice approaches.

These research themes are consistent with the ACMA's regulatory functions which require the ACMA to:

- > report and advise the minister on the telecommunications industry and on matters affecting consumers or proposed consumers of carriage services (section 8(c) and (d) of the ACMA Act)

- > make available to the public information about matters relating to the telecommunications industry (section 8(g) of the ACMA Act)
- > monitor and report to the minister each year on significant matters relating to the performance of telecommunications carriers and carriage service providers (section 105 of the Telecommunications Act)
- > report to and advise the minister in relation to the radiocommunications community (section 9(c) of the ACMA Act)
- > make available to the public information about matters relating to the radiocommunications community (section 9(e) of the ACMA Act)
- > conduct or commission research into community attitudes on issues relating to programs and datacasting content (section 10(h) of the ACMA Act)
- > inform itself and advise the minister on technological advances and service trends in the broadcasting industry, internet industry and datacasting industry (section 10(n) of the ACMA Act)
- > report to and advise the minister on the broadcasting industry, internet industry and datacasting industry (section 10(q) of the ACMA Act)
- > conduct research into issues relating to internet content and internet carriage services and conduct or commission research into content services (section 94 Schedule 5 and section 114 Schedule 7 of the Broadcasting Services Act).

Consumer and audience research

In 2009-2010, the ACMA undertook a range of research that examined consumer and audience attitudes, concerns and service use.

Mobile capped plans—Consumer attitudes and behaviours

In May 2010, the ACMA released a report detailing the findings of research into Australian consumers' experience with mobile capped plans and the management of their expenditure under these plans.

Attitudes to radio content

The ACMA commissioned two community research studies to examine attitudes to radio content. *Community attitudes to radio content* and *Listener attitudes to advertising, sponsorship and influence on commercial radio* were published in February 2010.

Community attitudes to radio content was a telephone survey of a nationally representative sample of 1,537 Australians aged 15 years and over. The research covered listener concerns and attitudes about radio content, the importance of radio for news and current affairs, views about advertising, commercial influence and the disclosure of sponsors in commercial radio talkback programs, and awareness of the commercial radio complaints process.

Listener attitudes to advertising, sponsorship and influence on commercial radio was an online survey of 1,214 commercial radio listeners aged 17 years and over. The research used examples of audio clips to explore listeners' abilities to distinguish different possible advertising material from other program material on radio. It also covered attitudes and concerns about certain advertising practices, and the importance of on-air announcements in making listeners aware of sponsors.

The release of the two reports coincided with the start of public consultation for the review of the Commercial Radio Standards, and contributed to the evidence base for the review. Findings from the first study *Community attitudes to radio content* also informed the review of the *Commercial Radio Codes of Practice and Guidelines* and investigations into commercial radio content.

Attitudes to unsolicited communications

In October 2009, the ACMA published the report of a survey of 1,625 Australians aged 18 years and over, which explored community awareness of, and attitudes towards, unsolicited telemarketing calls and electronic communications (spam). The findings of the *Survey of Community Attitudes to Unsolicited Communications* will help inform the ACMA's understanding of the effectiveness of the regulatory regimes covering these communications.

For more information about this research, refer to page 96.

Transition to digital television

Research into domestic antenna stock

The ACMA has commissioned research in the Bathurst/Orange area into methods that could be used to estimate domestic antenna stock. The validation study is designed to assist with planning assumptions when digital channel plans are reviewed, and is expected to be completed in the next reporting period.

Research relating to online safety

The ACMA invited proposals for two separate research projects to collect quantitative and qualitative data to inform the future development of cybersafety education resources.

Evaluation of Cybersmart Detectives

The evaluation of the Cybersmart Detectives program will examine the effectiveness of the Cybersmart Detectives (CSD) online learning program in educating students about cybersafety issues. As part of the evaluation, the project will examine the immediate impact of the CSD program on students' cybersafety knowledge, including whether students are able to link these cybersafety messages to their own online behaviours outside the CSD program. This project will also examine the role of teachers in reinforcing the educational messages of the CSD program. Project fieldwork is expected to commence later in 2010.

Cybersmart brand awareness

The Cybersmart brand awareness research will assess community awareness and perception of the ACMA's Cybersmart brand to help inform the future direction of Cybersmart communications and promotion activities.

Broadcasting and media privacy

Qualitative research into media privacy issues has been commissioned to assist the ACMA in reviewing the *Privacy Guidelines for Broadcasters*. The research explores community attitudes to television and radio broadcasts that may intrude on people's privacy or disclose their private information. It also seeks to identify community expectations for consent from individuals for the broadcast of material that may breach their privacy. Findings are expected to be available during 2010–11.

Digital media literacy

The ACMA continues its work to support the promotion of digital media literacy in Australia. Digital media literacy is broadly defined as the skills and capabilities needed for effective participation in the digital economy and to encourage social inclusion in a networked society. The ACMA's interest in digital media literacy reflects the Australian Government's strategic priorities of promoting a wider use of digital media and communications technologies for increasing digital inclusion and participation in the digital economy. The government's (*Australia's Digital Economy: Future Directions*) report, July 2009, identifies the need for a 'digitally-empowered, confident and literate' community to maximise the benefits of Australia's digital economy.

The ACMA's digital media literacy research program contributes to the work of the Online Communications Council's Digital Economy Group (OCC's DEG), comprising representatives of Commonwealth, state, territory and local governments.

Audit of Australian digital media literacy programs

With the assistance of the OCC's DEG, the ACMA compiled an overview of existing Commonwealth, state and territory programs that promote, and increase levels of, digital media literacy. These programs provide Australians with the opportunity to use digital technology and to acquire a range of competencies to participate in digital media and communications environments. The audit was published on the ACMA's website in July 2009.

Digital media literacy research program and publications

The two major objectives of this research are to provide an evidence base for understanding levels and the nature of digital media literacy of the Australian population and to foster a community of interest around digital media literacy.

In 2009–10, two qualitative research reports were published:

- > *Adult digital media literacy needs*, August 2009: Investigates barriers influencing non or limited use of the internet and mobile phones by adult Australians. It considers factors such as lack of skills, motivation or economic circumstances, and how the digital media literacy of these groups might be increased.

- > *Attitudes towards use of personal information online*, August 2009: Explores attitudes of digital media users towards disclosure of personal information online, and their awareness of risks and risk mitigation strategies.

The ACMA also commissioned qualitative and quantitative research into consumers' understanding of charging arrangements for 3G applications and services on mobiles. This research will assist the ACMA in preparation for the review of the Telecommunications Consumer Protection Code, which began in May 2010.

The ACMA presented its digital media literacy research at national and international conferences throughout 2009–10. Conferences included:

- > Communications Policy and Research Forum, Sydney
- > The ACMA's International Training Program, Melbourne
- > Second European Congress on Media Literacy, Bellaria
- > Digital Communications Literacy Forum, Qatar.

Digital media literacy on the ACMA website

The ACMA created a new section on its website in 2008 to bring together the ACMA's information, research and activities relating to digital media literacy. The ACMA maintained and updated these web pages in 2009–10 in line with current activities, and has expanded the number of resources available for its stakeholders and the general public.

International Media Literacy Research Forum

The ACMA is a founding member of the International Media Literacy Forum (IMLRF), which was established in 2008. The IMLRF aims to provide a platform for professional researchers, policy-makers/regulators and practitioners from across the world to share knowledge and expertise in the field of media literacy.

In January 2010, the IMLRF launched its website, opening forum membership up to interested countries, organisations and individuals. The ACMA, in its role as a founding member, developed the country specific framework on behalf of Australia. This framework, available on the IMLRF website at www.imlrf.org, provides background and context to media literacy activity in Australia, including identifying the political, social cultural, technological, market, learning and regulatory contexts in which media literacy research studies have taken place.

Market trends and service developments

During the year, the ACMA's research examined changes in traditional and emerging communications services.

Changes in the Australian VoIP market

The *Changes in the Australian VoIP market* report examined the supply and demand of VoIP services in Australia. The report detailed the growing diversity and ongoing innovation in business models and in the service offerings made available to consumers. The report utilised consumer survey data to examine the take-up of VoIP services, the reasons consumers adopt VoIP services, and the reasons that may be inhibiting take-up.

IPTV and internet video delivery models: Video content services over IP in Australia report

The *IPTV and internet video delivery models: Video content services over IP in Australia* report, released June 2010, detailed the growing availability of internet video and Internet Protocol Television (IPTV) services in Australia. The report detailed several new models for delivering content to consumers that now compete with traditional broadcasting services. The report was conducted as part of the ACMA's research into technology and service developments in the communications and media industries.

Ministerial reports

Third report to minister on developments in internet filtering technologies and other measures for promoting online safety

In June 2007, the ACMA was directed by the then Minister for Communications, Information Technology and the Arts to investigate developments in internet filtering technologies and other safety initiatives to protect consumers, including children, who access and use online services. The ACMA was required to report annually to the minister for three years on its findings.

The third and final report in the series of reports prepared by the ACMA, *Online risk and safety in the digital economy*, was released by the Minister for Broadband, Communications and the Digital Economy in February 2010. The final report builds on previous reports by exploring the way in which the use of ICTs is deeply embedded in the everyday life and behaviour of Australians today.

The report captures the challenges of building trust and confidence in an online environment and observes that the economic and social benefits of participation in the digital economy can only be fully realised if user trust and confidence in the use of ICTs is maintained. While it is widely acknowledged that there is no straightforward solution to managing online risks, different players in the digital economy—governments and regulators, operators of online services and users themselves—can all contribute towards effective management of online risk.

Key themes explored in the report include:

- > The evolution of online risk management in response to challenges posed by increased participation in the digital economy—from measures solely aimed at user protection to those that seek to build user trust and confidence in the online environment.
- > The focus of international initiatives which highlight the roles that all key stakeholders including users, industry and government can play in responding to online risk. In Japan, private sector initiatives assist users to manage online risk through customised mobile parental controls and adult media literacy programs and the privacy practices of Facebook have been scrutinised by national privacy regulators and Facebook's own user community.

- > The importance of understanding how user behaviour contributes to online risk. Emerging user trends which have implications for managing online risk include:

- use of mobile internet access platforms
- increasing functionality of the mobile phone
- use of personal information in social media and online transactions.

Together, the three ACMA reports provide insights into the evolution of online risk in the emerging global digital economy. The series of reports identify the challenges presented by increased participation in the digital economy and explore the range of measures that can be deployed to mitigate risk and promote online safety.

Communications report

The ACMA *Communications report 2008–09* fulfilled the ACMA's statutory reporting requirements under section 105 of the Telecommunications Act to report to the Minister for Broadband, Communications and the Digital Economy on matters relating to the performance of carriers and carriage service providers, including consumer satisfaction, consumer benefits and quality of service.

This is the ACMA's fourth report. It provides an overview of the telecommunications and broadcasting industries including service developments and industry performance in meeting statutory service obligations, as well as reporting on the development of the digital economy and its impacts on the telecommunications and broadcasting sectors. It also examines how Australians are using digital communications and media to participate in the digital economy. Data in the report is drawn from a range of sources including information reported by industry to the ACMA, the ACMA's research using third-party public sources and commissioned surveys and analyses.

The report was tabled in parliament on 12 January 2010.

Economic analysis and regulatory reviews

The two reports described below were released by the ACMA on 23 February 2010 as part of the ACMA's review of the commercial radio standards (see Highlights).

Comparative international research

International Regulation of Advertising, Sponsorship and Commercial Disclosure for Commercial Radio Broadcasting was prepared for the ACMA in June 2009 by Professor Lesley Hitchens of the Faculty of Law at the University of Technology, Sydney. The report provides a comparative survey and analysis of policies and regulations relating to advertising and sponsorship on commercial radio, as at June 2009 in the UK, USA, Ireland, Canada and Germany.

Survey of industry compliance

Industry Compliance with the Compliance Program Standards was prepared for the ACMA by DBM Consultants. The report details the findings of a confidential self-reported survey of commercial radio licensees, undertaken in June 2009, to assess the extent of industry compliance with the Broadcasting Services (Commercial Radio Compliance Program) Standard 2000. The report details the experience and performance of industry in meeting current requirements under the standard as well as industry attitudes to the standard.

The ACMA also undertook the following reviews examining spectrum allocation issues during the year.

Review of trading in radiofrequency licences

ACMA consulted on the effectiveness of the secondary market for radiofrequency licences in Australia during the year. The review considered whether trade in licences is currently fully facilitated and outlined possible reforms to the trading system including the provision of superior market information to traders and technological neutrality in licensing. The ACMA released a response to submissions in July 2009, and is undertaking further work to implement the proposed changes.

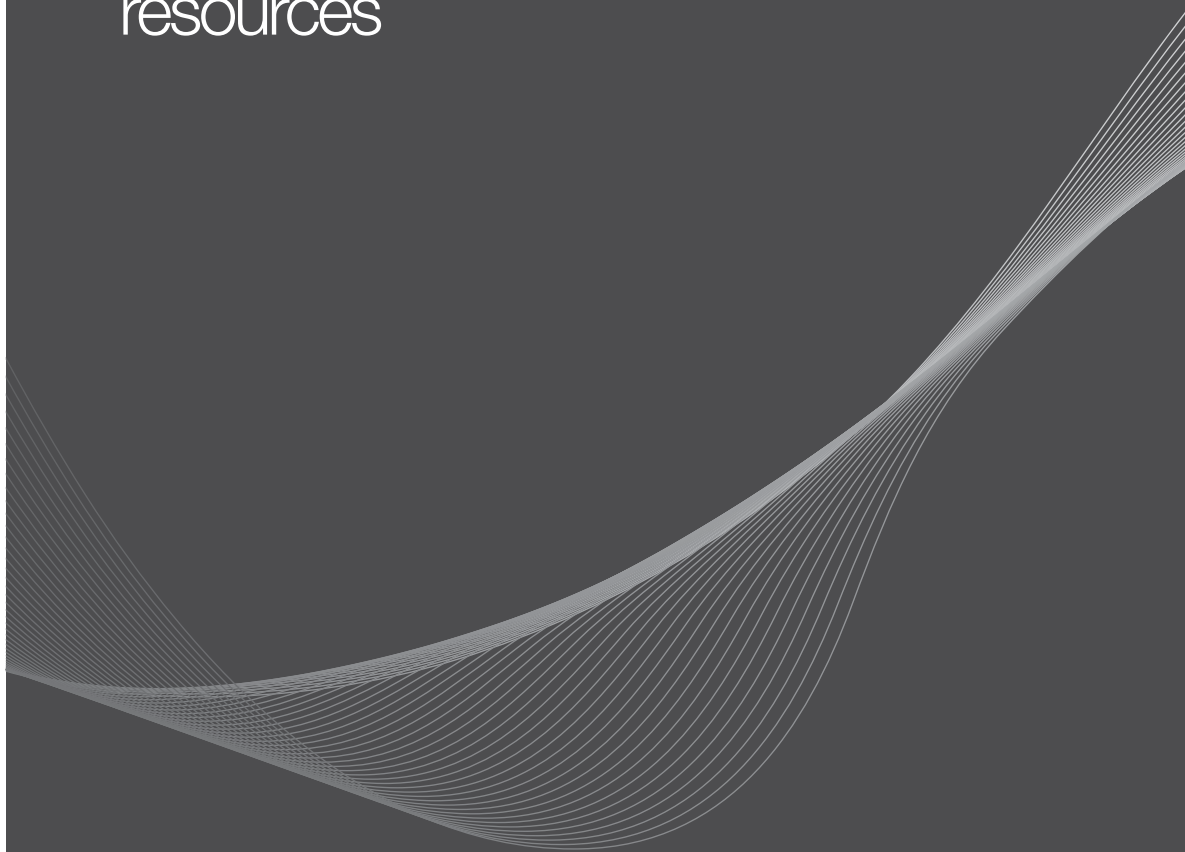
Review of opportunity cost based prices for administratively allocated spectrum

The ACMA released a public consultation paper in April 2009 as part of considering whether to base annual fees for administratively allocated spectrum on the opportunity cost of the spectrum. It released a response to submissions in January 2010, outlining a proposal to use opportunity cost price as one of a suite of tools for managing spectrum that also includes technical frameworks, licensing arrangements, price based allocation and the promotion of trading.

Opportunity cost pricing may result in some licence fees increasing and others decreasing. The ACMA will undertake a band-by-band assessment to determine the priorities for a licence fee review.

Chapter 4

Managing and developing our resources



Chapter 4 details the ACMA's staffing arrangements, information management, corporate governance, communications and engagement, and financial and property management.

The ACMA continues to focus on strengthening its corporate governance, communications and engagement, and financial and property management.

Our people

The ACMA's staffing complement at 30 June 2010 was 663, compared with 617 at 30 June 2009. Comparative staffing details are given in Appendix 3.

Employment arrangements and conditions of work for all non-SES employees of the ACMA are determined by the *ACMA Collective Agreement 2008–10* (the ACMA Agreement), a collective agreement under section 328 of the *Workplace Relations Act 1996*. In accordance with the *Fair Work Act 2009*, subsection 174(6) negotiations for the ACMA Enterprise Agreement will begin in the latter half of this year.

Approximately 641 employees are covered under the current ACMA Agreement, the key features of which are:

- > three-year agreement
- > salary increases of:
 - 4.6 per cent from 1 January 2008
 - 4 per cent from 1 January 2009
 - 4 per cent from 1 January 2010
- > a seven-and-a-half hour working day
- > access to paid leave for parental purposes
- > streamlined redundancy and retrenchment provisions
- > access to flexible working arrangements that promote work/life balance.

Conditions were attached to the salary increases in 2009 and 2010, with 0.5 per cent and one per cent respectively being dependent on 90 per cent of eligible staff completing performance reviews. Those conditions were satisfied for the pay increase due and made on 1 January 2010 resulting in a four per cent increase.

Salary ranges available under the collective agreement are in Appendix 3.

Common law arrangements are the prime employment instrument for 22 Senior Executive Staff (SES). While the ACMA Agreement is the prime employment instrument for all other staff, additional benefits are conferred under common law arrangements for 81 Executive Level employees and one Australian Public Service (APS) level employee.

At 30 June 2010, the salary ranges for employees on common law arrangements were:

- > SES1: \$134,783 to \$151,917
- > SES2: \$171,335 to \$188,469.

Non-salary benefits provided to employees on common law arrangements may include:

- > at-risk pay
- > performance bonus
- > retention bonus
- > mobile telephone/BlackBerry
- > airline club membership
- > residential broadband service
- > car allowance
- > parking
- > laptop or personal computer and printer for use at home
- > outplacement assistance/financial counselling if deemed excess.

Performance payments

Performance pay is available to employees at Executive Level 2 who are party to a common law arrangement and to SES level employees.

During 2009–10, 21 SES Band 1 & 2 level employees and 75 EL2 level employees received performance pay, with the aggregate amount paid being \$1,190,806.68 (see Table 33).

Workplace Diversity Program

The ACMA Workplace Diversity Program incorporates APS values and follows the Australian Public Service Commission's *Guidelines on Workplace Diversity*. The program has been put in place to assist the ACMA to:

- > promote the benefits of diversity, for both agency and employees

- > develop and implement actions and achieve results towards diversity targets
- > adhere to its legal responsibilities as an employer

- > increase employee awareness and understanding of workplace diversity issues

- > encourage employees to recognise the benefits of operating within an inclusive work environment.

These diversity principles aim to value the range and variety of skills, abilities and backgrounds in the workplace and the Australian community at large.

The ACMA recognises and values individual differences and aims to raise awareness of the importance of workplace diversity by:

- > including the acknowledgment and acceptance/encouragement of diversity in organisational and individual performance plans
- > ensuring that selection criteria for management positions include the ability to integrate workplace diversity principles into everyday management practice
- > making information available to new employees in induction material.

The ACMA seeks to achieve high-quality equity and diversity outcomes by:

- > supporting equal access to training and development for all individuals and groups
- > ensuring that senior management supports the workplace diversity coordinator
- > helping employees balance work, study, family life and other caring responsibilities through access to home-based work, part-time work, flexitime, studies assistance, and personal and purchased leave.

Table 33: Performance payments, 2009–10

Employee level	Employees paid	Total performance pay (\$)
EL2	75	889,090.31
SES Band 1 & 2	21	301,716.37
Total	96	1,190,806.68

On 30 June 2010, the ACMA's employee profile was:

- > total employees: 663
- > number of women: 330
- > number of staff from a non-English-speaking background: 199
- > number of staff with a disability: 10.

Equity in employee selection processes is promoted by training all relevant employees in how to select employees, and by monitoring the effectiveness of the selection guidelines.

The Workplace Development Program is due to be revised in 2010–11. The ACMA will look to focus more of its resources on indigenous employment strategies in line with the whole-of-government initiative.

Health and safety

The ACMA aims to promote and maintain a high standard of health, safety and wellbeing for all staff. This is achieved by:

- > preventing accidents and ill-health caused by adverse working conditions
- > protecting employees, contractors and the public from health hazards which may arise from their work or the conditions in which they work
- > locating employees in an occupational environment that maximises health, safety and wellbeing
- > promoting health and wellbeing
- > encouraging incident and hazard reporting
- > providing information and training to employees on health and safety issues.

The ACMA has health and safety management arrangements in place which provide a framework for the management of occupational health and safety within the ACMA. These arrangements also provide guidance for management and employees to work together to effectively manage workplace health and safety risks and hazards.

The ACMA has designated work groups covering all employees. Each group has an occupational health and safety (H&S) representative and a deputy, with each representative undertaking a five-day training course accredited by the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees.

The ACMA has a strong H&S consultative arrangement with one national and four local H&S committees. These committees are formal structures established to discuss and resolve health and safety issues in the workplace, and comprise both management and employee representatives. Their broad function is to promote an environment in which ACMA management and employees work cooperatively to ensure the health and safety of employees.

Regular workplace inspections are undertaken in all ACMA workplaces to identify hazards and potential hazards and to review hazard control measures already in place. These inspections are undertaken by health and safety representatives and management representatives.

H&S information is provided to all new employees through the ACMA's electronic employee induction program. Employees have access to comprehensive health and wellbeing information through the intranet. Information provided covers a wide range of topics including mental health, ergonomics and safe computer use, and reporting hazards and injury.

The ACMA has a commitment to the promotion of health and wellbeing within the workplace and supports this through the following initiatives:

- > monthly *Well at Work* newsletter
- > mental health awareness sessions
- > flu vaccinations
- > assistance with costs associated with eye testing and purchase of glasses for screen-based use
- > bullying and harassment awareness sessions.

The ACMA has a strong commitment to the safe and early return to work of injured or ill employees, whether the injury or illness is work-related or not. This commitment is supported through early intervention strategies including the early engagement of rehabilitation providers to facilitate the return to work process.

During the year, the ACMA did not give notice under section 68 of the *Occupational Health and Safety Act 1991* about any dangerous occurrences.

Consultation and workplace relations

Staff consultative bodies are established under the *ACMA Collective Agreement 2008–10*. The National Consultative Forum deals primarily with the key strategic and change issues that affect the ACMA, and met three times in the reporting period. Convened by the ACMA Chairman, it comprises management, union and employee representatives.

Local consultative forums, comprising management, union and employee representatives and chaired by a senior manager, are established in each of the four work areas—Canberra, Melbourne, Sydney and Field Operations. The forums, which can refer matters with organisation-wide implications to the National Consultative Forum, each met three times in the reporting period.

Approaches used to involve employees in decision-making and information sharing include all-staff meetings, planning sessions, branch and section meetings, focus groups, general information sessions and the use of the ACMA intranet for disseminating information.

People and capability development

The ACMA is committed to identifying and addressing short-, medium- and long-term capability and development needs on an individual staff member and agency basis to improve skills and knowledge and support staff career development. This aim is supported through workforce planning for agency capability development and by offering a number of learning opportunities for staff pursuing personal development goals.

The ACMA's net expenditure in 2009–10 for employee training was \$1,103,238. A range of topics was addressed in the courses with particular focus on policy formulation and advice, project management and communication, and people management skills. Staff also attended industry-related seminars and conferences on leading-edge developments in the communications industry.

During the year, 54 employees were assisted under the provisions of the ACMA's Studies Assistance Policy and Guidelines, at a total cost of \$122,551. Employees were assisted in undertaking tertiary qualifications in specialised fields such as law, engineering, media and communications, economics, public policy, business administration and accounting.

The development of the ACMA Leadership Program also commenced during 2009–10. The program is a new initiative that will be developed over the next two years with the aim of developing the leadership capabilities of senior management and executive staff of the ACMA.

The ACMA Field Office Competency Requirements, Qualifications and Training Project continued to meet the training needs of the Field Operations staff.

The ACMA has an ongoing need for radiocommunications technical staff. Radiocommunications training is a critical step in ensuring that sufficient people have the skills and knowledge to pursue a career in this field. The organisation has been working with Communications and Information Technology Training Ltd and Innovation and Business Skills Australia to research, develop and identify the required training in radiocommunications. As a result, the ICT40310 Certificate IV in Telecommunications Radiocommunications has been approved for delivery by registered training organisations.

Key attributes of the Certificate IV in Telecommunications Radiocommunications include:

- > recognition of prior learning so that those staff who have learnt skills on the job can gain formal recognition for those skills
- > the flexibility to adapt the qualification's training content to the specific needs of the business or industry
- > the availability of a range of delivery mechanisms.

In May 2010, the ACMA commenced a procurement process to establish a preferred supplier for delivery of this training to its staff. The ACMA anticipates that this arrangement means that there should be at least one registered training organisation that is able to provide this important training to industry across Australia.

Performance management

The ACMA's performance management framework is designed to assist the agency to achieve organisational outcomes and outputs through the management of employee performance, to support employees in the workplace, and to assist in maintaining healthy and sustainable work practices. The framework specifically benefits employees by clarifying expectations, improving individual work performance, increasing skills and knowledge, and consequently enhancing career opportunities.

Individual performance and development plans identify key targets and expected results required to ensure that the objectives of both area business plans and the ACMA Strategic Plan are achieved. The framework is linked to the ACMA's planning cycle and allows for effective communication and formal feedback at regular intervals.

With the continued emphasis on performance management, there were a number of new initiatives and strategies introduced in 2009–10 to increase the implementation and effectiveness of the performance management framework. These included:

- > the continuation of the five-tier rating system
- > the continuation of conditional pay rises linked to the completion of performance reviews
- > the collection and analysis of data relating to performance ratings across the agency.

An online reporting system for performance management was introduced this year. This system will improve efficiency and ease of use, and allow for more comprehensive reporting of performance data across the ACMA.

These initiatives have successfully improved consistency and higher-level reporting capabilities for performance management.

Creating Knowledge program

Designed specifically for ACMA staff, Creating Knowledge was developed to encourage the sharing of knowledge and expertise across the organisation. The current program consists of six components:

- > Conversations—prominent industry and academic speakers from the communications sector present their views on the current and emerging communications environment.

- > Cross Connections—staff-delivered seminar series on the ACMA's approach to current regulatory and policy issues, drawing connections between the work conducted in diverse branches and locations.
- > Technology Talks—engineering staff and invited guests deliver seminars on current and emerging communications technologies.
- > Section Snapshots—biannual seminar series providing a snapshot of what our diverse organisation is doing and achieving.
- > In the Field—field operations staff host seminars in the central offices outlining the ACMA's work in the field and sharing their stories and experience.
- > Chairman's Events—biannual social events held on site in the Canberra, Melbourne and Sydney offices. These events, including debates and trivia challenges, are hosted in partnership with the social clubs.

Social networking tools, including web-based forums for discussion and debate on emerging communication issues, are used to extend event discussions and knowledge sharing among staff.

During the reporting period, 24 different Creating Knowledge events were held, with an average of 140 ACMA staff attending each event.

ACMA transformation program

The ACMA transformation program aims to transform the ACMA into a resilient organisation responsive to the numerous pressures for change it confronts.

There were important developments in the ACMA transformation agenda in 2009–10. The brand identity of the organisation was refreshed to capture its essence in a single and unifying expression of the ACMA's strategic goal, which is 'To make communications and media work in Australia's public interest.' The chosen logo and brand identity, released externally in June 2009, capture the convergence of the 'four worlds' that ACMA regulates—telecommunications, broadcasting, radiocommunications, and the internet.

The brand identity conveys the ACMA values that have been articulated. These require the organisation and its staff to be and be seen as:

- > informed—expert in new technologies, industry trends and regulatory developments
- > active—initiating projects and driving outcomes; communicating and collaborating closely with key stakeholders
- > agile—identifying and implementing flexible, tailored solutions, quickly adapting to new and emerging challenges
- > innovative—being proactive and exploring new solutions and lateral connections, ensuring that, where possible and relevant, options and approaches for ACMA decisions are informed by ‘first principles’ thinking
- > influential—taking a lead role in driving outcomes and perspectives by engaging stakeholders as a knowledge-leader.

A strapline to portray the ACMA in action was required as part of positioning the renewed ACMA brand to be a driving force of the transformative process at the ACMA. This was distilled to be ‘communicating | facilitating | regulating’, which is also capable of being used with an internal, imperative focus as ‘communicate | facilitate | regulate’.

The ACMA restructure, announced in December 2009, was a self-initiated transformative action to align the organisation to meet several sector-specific tasks of the present (a broadcasting focus in digital TV and radio and the current telecommunications lens for the NBN) while maintaining the necessary convergence orientation to the regulatory challenges and eventual outcomes of these dynamics. It also signalled an appropriate new weighting in the regulatory activities of the agency to the role of the citizen.

The ACMA submitted its transformation as a ‘case study’ to the Advisory Group Reform of Australian Government Administration *Reform of Australian Government Administration: Building the world’s best public service* review. It did so in the expectation that, based on the ACMA experience and practice of transformational organisation change, it would be useful input to planning the APS-wide response to the shared environment of constant change and innovation identified in the review.

Client Service Charter

The ACMA’s first Client Service Charter came into effect on 1 July 2006. The Client Service Charter outlines the ACMA’s strategic intent, the goals it works towards and the broad range of services it provides. The charter provides advice on how clients can contact the ACMA, the service clients should expect, service standards and complaint procedures. It also reflects the ACMA’s commitment to providing efficient, effective and relevant services delivered in an environment of mutual respect.

During the year, the ACMA sought to improve the way it engages and interacts with its stakeholders. Currently, the ACMA engages with more than 135 key stakeholders across a large number of industries and community sectors. Key goals of the improvement project were:

- > better coordination and consistency of service delivery
- > better understanding of the ACMA stakeholder base
- > improved service delivery.

As part of the process, consultants were engaged and meetings, interviews and workshops were conducted with both internal (ACMA) and external stakeholders. A key result of the project was the development of a strategic framework for stakeholder interaction that will enhance, inform and unify the ACMA’s interactions with its stakeholders. The ACMA will implement this framework during 2010–11.

Table 34: Summary of compliments and complaints 2009–10

Description	Total no. of complaints	Total no. of compliments
Courtesy and respect	3	–
Identification of staff dealing with client	–	–
Response time to complaint	2	–
Accessible information	8	–

Information management

Transformation agenda

The ACMA continued an ambitious transformation agenda for its information systems during 2009–10.

In addition to the appointment of a Deputy CIO for Transformation within the Information Services Branch, the Portfolio Management Office (PMO) underwent some significant changes during the year, reflecting its role in implementing the transformation agenda. One key event was the implementation of a new information and communication technology (ICT) governance framework through the PMO (Figure 14).

This new framework provides the ACMA with a consistent methodology to prioritise investment opportunities.

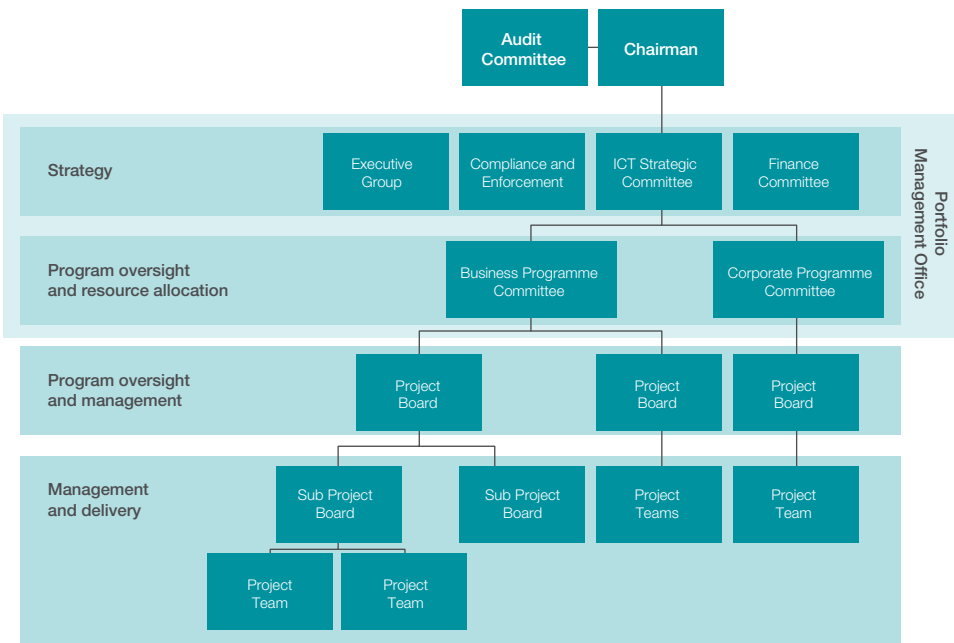
The commitment to a consistent project methodology (PRINCE2) within the ACMA was strengthened with an increased focus on realisation of business benefits. This focus ensures that ICT investments will continue to deliver value for money.

Project Enterprise, a series of related initiatives to modernise spectrum and licensing management functions and applications, continued in 2009–10. The project is designed to leverage a suite of commercial off-the-shelf applications that will be used as the foundation tools for additional business capability enhancements.

Maintaining and enhancing existing services was a priority throughout the reporting period. The ACMA's systems underwent considerable improvements and change including:

- > continued development and enhancement of the ACMA's corporate reporting and business intelligence tools and systems, including report enhancements
- > the development and implementation of systems to assist with the switchover to digital television, in particular the increased usage of geographic information systems (GIS) for enhanced decision-making
- > improvements to systems design in line with the ACMA's enterprise architecture and service-oriented architecture principles to enable improved maintenance and integration, with a special focus on Project Enterprise and associated system implementations.

Figure 14: The ACMA's new ICT governance framework



Technology platform

The ACMA continued to modernise its core business systems and transform its ICT management structure with the release of the *ICT Strategic Plan 2010–12*.

The restructured Information Services Branch now provides a highly integrated and seamless service delivery model for business-as-usual ICT needs. This included the recruitment of new staff to key positions including the IT Security Advisor and Deputy CIO, as well as the appointment of permanent service desk staff. In addition, the ACMA's outsourced desktop and server support services were transitioned to Logica, with the introduction of new service level agreements and a realignment of roles and responsibilities.

The deployment of Windows 7 on all user desktops during the year has put the ACMA at the leading edge of technology deployments in Australian Government agencies and the overall ICT community.

The ongoing virtualisation of all ACMA server infrastructure and an upgrade to central storage area network hardware has enabled a just-in-time approach to infrastructure provisioning. This flexible approach will provide a robust foundation for the ongoing work in the ACMA required to deliver Project Enterprise.

Videoconferencing infrastructure was upgraded with the implementation of desktop videoconferencing for general managers and executive managers to supplement existing conference room fit-outs. The ACMA continues to be a leading adopter of videoconferencing technologies, with continuing high demand from staff to use these facilities for meetings between offices.

Another key initiative from the ICT Strategic Plan is the enhancement of infrastructure and procedures around disaster recovery planning. Refurbishments and upgrades to the power infrastructure within the Melbourne Data Centre were carried out in readiness for the implementation of a standby disaster recovery site to minimise downtime and data loss.

Information management

In November 2009, the Information Management Section (IMS) became part of the Information Services Branch, with the role of Information Manager reclassified as a Deputy CIO reporting to the Chief Information Officer.

Improving business intelligence capabilities across the ACMA was recognised as a priority, with the Business Intelligence Competency Centre (BICC) established to develop in-house expertise, quality assurance, and support for the ACMA's portfolio of corporate reports. The BICC will be a key enabler for improved decision-making in the ACMA in the future.

Recognising the substantial benefits available through collaboration technology platforms, the ACMA successfully piloted the use of SharePoint during 2009–10. A corporate rollout of the SharePoint platform as a collaboration and publishing tool is planned for early in the next financial year.

The ACMA also continued its push towards fully electronic document and records management, with the IMS supporting branches and sections to achieve productivity and compliance improvements. Working cooperatively with area staff to determine business requirements, IMS staff developed records-compliant processes and procedures to replace previously paper-based and ad hoc electronic processes.

Achievements include:

- > more than 95 per cent of new corporate files are now managed electronically, with just 18 paper files created in the third quarter of 2009–10
- > deployment of document imaging software to scan and manage licensing paperwork electronically
- > new processes for electronic capture and recording of evidence for compliance and enforcement activities undertaken by the ACMA.

Corporate governance

Audit

During 2009–10, the ACMA's internal audit function was undertaken by Oakton. The strategic internal audit program continued to focus on whole-of-organisation and key corporate processes where a high level of quality assurance is required, particularly those associated with financial administration and information technology management.

In December 2009, the Australian National Audit Office (ANAO) published the report of its audit of the operation, compliance, management and monitoring of the Do Not Call Register. All recommendations made by the ANAO have been accepted and implemented by the ACMA.

Additional information about the ACMA's Audit Committee is detailed in Chapter 1, page 28 and Appendix 2, page 165.

Risk management

During the year, the ACMA continued to implement a revised whole-of-agency risk management framework, focussing on branch-level identification and management of operational risk, and whole-of-agency strategic risks. Risks identified in the framework were integrated with the ACMA's business planning and linked to the 2010–11 internal budget process. Development of the risk management framework has been supported by the ACMA's participation in Comcover's Benchmarking Risk Management Program.

The ACMA met all statutory reporting requirements required by the Australian National Audit Office (ANAO), the ACMA's insurer (Comcover) and the Attorney-General's Department for 2009–10.

Security

The ACMA manages its security function in accordance with the revised *Australian Government Protective Security Manual 2005* (PSM). All requirements of the three-year, rolling security inspection program recommended by the PSM for state and regional premises scheduled throughout the year were completed, and all statutory reporting requirements were met in 2009–10.

The ACMA Security Advisory Committee continued to oversee security issues by implementing additional and improved policy, and procedures as required.

In accordance with the *Commonwealth Fraud Control Guidelines*, the ACMA reviewed its fraud risk assessment and updated its Fraud Control Plan in 2008–09, which was approved by the Chairman on 20 March 2009. In accordance with those guidelines, the ACMA will again review its fraud risk assessment and update its Fraud Control Plan in 2010–11. All statutory reporting requirements of the *Commonwealth Fraud Control Guidelines* were met in 2009–10.

Communications and engagement

In 2009–10, the ACMA moved to change its overall approach to communications as part of its organisational transformation. In early 2010, the agency appointed an Executive Manager for Gov2.0, Stakeholder Engagement and External Communications to drive a new approach built around the use of Web 2.0 applications.

This new approach involves a communication strategy using a coordinated set of activities across multiple media channels, as well as a new approach to media engagement, the use of several social networking platforms, RSS feeds and e-publishing.

In addition, the ACMA also began work on rebuilding its website to communicate better with its audiences. The new site will also be the major platform for publishing, distributing and amplifying the organisation's various products and publications.

Over the next 12 months, the ACMA will be building its social media presence on the major networking sites and employing these platforms, and its new website, to broaden its outreach, deliver richer content, and consult, engage and collaborate with its stakeholders.

The overall aim is for the ACMA to be recognised as the leading exponent of Gov 2.0 in the Commonwealth by the end of 2011.

Financial management

Throughout 2009–10, the ACMA continued to improve the provision of financial management and related services to internal and external stakeholders, including key agencies such as the Department of Finance and Deregulation (DoFD). The ACMA met all of its statutory budgeting and reporting requirements and deadlines as set down by DoFD and ANAO.

Financial management resources were used to:

- > improve the external financial reporting process for the year-end financial statements
- > further improve internal management accounting reporting
- > improve the Certificate of Compliance process and reporting
- > enhance debtors and align processes
- > design and improve a number of internal accounting processes
- > upgrade the activity-based management system
- > upgrade the financial management and information system
- > continue implementation of a revenue assurance framework
- > implement new measures and activities as requested by government
- > develop and implement a range of Chief Executive and Management Instructions
- > implement a new cost-recovery arrangement for the Do Not Call Register
- > continue improvement of the risk management process and improve the corporate governance framework
- > complete an extensive internal audit program, implement a number of changes across the ACMA, and participate actively in other audit undertakings.

The ACMA's financial statements for 2009–10 were prepared in accordance with section 57 of the *Financial Management and Accountability Act 1997* and the Finance Minister's Orders. The ANAO issued an unqualified audit opinion on the statements and notes (see Appendix 19).

Procurement and contract management

The ACMA continued efforts to strengthen its procurement and contract management capabilities. This included the establishment of a contract management advisor position. Procurement and contract management staff are responsible for ensuring procurement and contract management across the organisation is undertaken in an efficient, effective and non-discriminatory manner that, in addition to providing value for money, supports competition and achieves the objectives of the *Commonwealth Procurement Guidelines*.

Continuing process improvements and a simplified management instruction ensure that the latest compliant information and documentation is available to the ACMA and its stakeholders.

Grant programs

The ACMA does not administer any grant programs.

Asset management

The ACMA's asset management procedures and policies reflect relevant legislation and better practice. The major asset categories are land, buildings, leasehold improvements, plant, equipment, and software purchased and developed internally. Assets are valued at fair value. The carrying values and useful lives of assets are reviewed each year.

At the end of 2009–10, the ACMA had a net total value of \$27,816 million in assets. During the year, improvements have been made in the processes of capitalising intangible assets. A capital management plan was developed and implemented in 2009–10 to assist the ACMA in its capital planning for the medium to long term.

Property management

The Facilities Section manages the ACMA property portfolio, which includes leased, licensed and Commonwealth-owned premises ranging from standard office accommodation in the major capital cities to small radio monitoring sites at remote locations. The ACMA continues to review its office accommodation in accordance with the *Commonwealth Property Management Guidelines* and operational requirements.

Ecologically sustainable development and environmental performance

The ACMA has an ongoing commitment to reducing the organisation's impact on the environment through the procurement of green power. The current energy contracts for the ACMA's three principal offices and one regional office include a 10 per cent green energy component. The ACMA will continue to amend and update current energy contracts as they expire to include a 10 per cent green energy requirement. Cleaning contracts include specific reference to the provision of environmentally friendly cleaning products, and office waste is separated into recyclable and non-recyclable components.

Appendixes

1. ACMA offices
2. ACMA committees, memberships and attendance at meetings
3. Staffing information
4. Implementation of the Commonwealth Disability Strategy
5. Licensing and licence allocations
6. Programs and content
7. Broadcasting investigations outcomes
8. Freedom of information
9. Legislation
10. Notifications, directions and instruments
11. Disclosures of information
12. Judicial and administrative decisions 2009–10
13. Consultancies, advertising expenditure and competitive tendering
14. Outcome table
15. Agency resource statement
16. Performance against PBS KPIs and deliverables 2009–10
17. Regulatory impact analysis compliance report
18. Compliance index
19. Financial statements

Appendix 1:

ACMA offices

Canberra

Purple Building, Benjamin Offices
Chan Street, Belconnen
PO Box 78, Belconnen ACT 2616
T (02) 6219 5555
F (02) 6219 5353

Melbourne

Level 44, Melbourne Central Tower
360 Elizabeth Street, Melbourne
PO Box 13112 Law Courts, Melbourne VIC 8010
T (03) 9963 6800
F (03) 9963 6899
TTY (03) 9963 6948

Sydney

Level 15, Tower 1 Darling Park
201 Sussex Street, Sydney
PO Box Q500, Queen Victoria Building NSW 1230
T (02) 9334 7700, 1800 226 667
F (02) 9334 7799

Field Operations

PO Box 13112 Law Courts, Melbourne VIC 8010
T 1300 850 115
F (02) 6219 5346

Appendix 2:

ACMA committees, memberships and attendance at meetings

The following tables provide information about ACMA committees, memberships and attendance at meetings in 2009–10.

Authority meetings

At 30 June 2010, the Authority comprised the Chairman, the Acting Deputy Chair, five part-time Members and one Associate Member.

The Authority met 20 times in 2009–10.

Table 35: Attendance by Members at Authority meetings, 2009–10

Authority Member	No. of meetings attended
Chris Chapman, Chairman	20
Chris Cheah, Acting Deputy Chair full-time Member	18
Malcolm Long, part-time Member	20
Johanna Plante, part-time Member	20
Rod Shogren, part-time Member	17
Jennifer McNeill	19
Geoff Luther	20
Graeme Samuel, Associate Member	3

Executive Group meetings

The ACMA Executive Group functions as a senior oversight committee for management decisions. The Executive Group assists the Chairman by providing counsel on issues of high-level corporate or strategic significance to the agency.

The Executive Group met 12 times in 2009–10.

Table 36: Attendance at Executive Group meetings, 2009–10

Member of Executive Group	No. of meetings attended
Chris Chapman, Chairman	10
Chris Cheah, full-time Member Acting Deputy Chair*/ Acting Chair	10
Dianne Carlos, General Manager Corporate Services; Corporate Services & Coordination from 1 December 2009	10

Louise Harkness, A/g General Manager Corporate Services; Corporate Services & Coordination from 1 December 2009	2
Giles Tanner, General Manager Inputs to Industry; Digital Transition from 1 December 2009	11
David Brumfield, A/g General Manager Digital Transition	1
Maureen Cahill, A/g General Manager Convergence & Coordination; General Manager Communications Infrastructure from 1 December 2009	11
Clare O'Reilly, A/g General Manager Communications Infrastructure	1
Brendan Byrne, General Manager Legal Services	11
Clare O'Reilly, A/g General Manager Legal Services	1
Olya Booyar, General Manager Content, Consumer & Citizen (new division created 1 December 2009)	5
Clare O'Reilly, A/g General Manager Content, Consumer & Citizen (new division created 1 December 2009)	2
Nerida O'Loughlin, General Manager Industry Outputs; Digital Economy from 1 December 2009	10
Andree Wright, A/g General Manager Industry Outputs	2
<i>*Chris Cheah was Acting Deputy Chair for 2009–10, pending a permanent appointment to the role.</i>	

Audit committee

The Audit Committee is an integral part of ACMA's corporate governance framework, approving and overseeing delivery of the internal audit program, the Certificate of Compliance and reviewing the ACMA's financial statements. The Audit Committee ensures the coordination of internal and external audit activities in addition to overseeing the risk management framework and the implementation of fraud control policies.

As an advisory committee to the ACMA Chairman, the Audit Committee met four times in 2009–10.

Table 37: Audit Committee meetings attended, 2009–10

Members	No. of meetings attended
Chris Cheah, Chair	4
Vanessa Fanning, Independent Audit Committee Member	4
Michael Harris, Independent Audit Committee Member	4
Linda Caruso, ACMA Audit Committee Member	4
Andree Wright, ACMA Audit Committee Member	4

Membership of advisory and consultative bodies

Consumer Consultative Forum (CCF)

- > Australian Communications and Media Authority (Chair)
- > Australian Competition and Consumer Commission
- > Australian Mobile Telecommunications Association
- > Communications Alliance
- > Department of Broadband, Communications and the Digital Economy
- > Telecommunications Industry Ombudsman

Consumer representatives

- > Professor Julian Thomas, Professor of Media and Communications, Swinburne University of Technology
- > Alex Varley, Media Access Australia
- > Teresa Corbin, Australian Communications Consumer Action Network (until 30 October 2009)
- > Myra Pincott, Country Women's Association (until 30 October 2009)
- > Gordon Renouf, Australian Consumers' Association (until 30 October 2009)
- > Rosemary Sinclair, Australian Telecommunications Users Group
- > Holly Raiche, Internet Society of Australia
- > Sarina Jan
- > Nicole Lawder, Deafness Forum Australian (from 8 March 2010)
- > Allan Asher, Australian Communications Consumer Action Network (from 3 March 2010)

Emergency Call Service Advisory Committee (ECSAC)

- > Australian Communications & Media Authority (Chair)
- > AAPT Limited
- > Australian Capital Territory Emergency Services Authority
- > Australian Communication Exchange
- > Department of Broadband, Communications and the Digital Economy
- > Department of Emergency Services, Queensland
- > Emergency Management Australia
- > Emergency Services Telecommunications Authority, Victoria
- > Hutchison Telecommunications (Australia) Limited
- > Internet Industry Association
- > National Emergency Communications Working Group
- > New South Wales Police

- > New South Wales Fire Brigade
- > Northern Territory Police, Fire and Emergency Services
- > Singtel Optus Pty Ltd
- > South Australia Ambulance Service
- > St John's Ambulance, Western Australia
- > Tasmania Police
- > Telstra Corporation
- > Victoria Police
- > Vodafone Pty Ltd

Numbering Advisory Committee (NAC)

- > Australian Communications and Media Authority (ACMA)
- > Australian Competition & Consumer Commission (ACCC)
- > Australian Electrical & Electronic Manufacturers' Association Ltd (AEEMA)
- > Australian Information Industry Association Ltd (AIIA)
- > Australian Mobile Telecommunications Association Ltd (AMTA)
- > Australian Phone Word Association Limited (APWA)
- > Australian Telecommunications Users Group Ltd (ATUG)
- > Communications Alliance Ltd (formed when SPAN and ACIF merged)
- > Australian Communications Consumer Action Network Limited (ACCAN)
- > Department of Broadband, Communications & the Digital Economy (formerly DCITA)
- > PowerTel Limited
- > SingTel Optus Pty Limited
- > Small Enterprise Telecommunications Centre Ltd (SETEL)
- > Telstra Corporation Limited
- > Vodafone Hutchison Australia Pty Limited

Observers

- > Engin Ltd
- > Industry Number Management Services (INMS)
- > Primus Telecommunications
- > Verizon Australia Pty Limited

Technical Advisory Group

- > Australian Communications and Media Authority (Chair)
- > Australian Competition and Consumer Commission
- > Australian Industry Group
- > Australian Information Industry Association Ltd
- > Australian Mobile Telecommunications Association
- > Australian Telecommunications Users Group
- > Broadcasting Industry Technical Advisory Group
- > Consumer Electronics Suppliers' Association
- > Communications Alliance Ltd
- > Dept of Broadband, Communications and the Digital Economy
- > Energy Networks Association
- > National Association of Testing Authorities
- > Standards Australia

New South Wales Submarine Cable Protection Zone Advisory Committee

- > Australian Communications and Media Authority (Chair)
- > Commercial Fisher
- > Department of the Environment, Water, Heritage and the Arts
- > Department of Premier and Cabinet (NSW)
- > Sydney Ports
- > Australian Shipowners Association
- > Australia-Japan Cable
- > Southern Cross Cables
- > Australian Telecommunications Users Group
- > Advisory Council of Recreational Fishing
- > Commercial dive operator

Western Australia Submarine Cable Protection Zone Advisory Committee

- > Australian Communications and Media Authority (Chair)
- > Western Australian Fishing Industry Council
- > Australian Petroleum Production & Exploration Association
- > Department of the Environment, Water, Heritage and the Arts
- > Department of Premier and Cabinet (WA)
- > Port of Fremantle
- > Australian Shipowners Association
- > REACH
- > Recfishwest
- > Australian Telecommunications Users Group
- > Commercial dive operator

Radiocommunications Consultative Committee (RCC)¹

Chairman

- > Chair, Australian Communications and Media Authority
- > Vice-Chair, Australian Communications and Media Authority

Members²

- > Chairman of Australian Radiocommunications Study Group 1
- > Chairman of Australian Radiocommunications Study Group 3
- > Chairman of Australian Radiocommunications Study Group 4
- > Chairman of Australian Radiocommunications Study Group 5
- > Chairman of Australian Radiocommunications Study Group 6
- > Chairman of Australian Radiocommunications Study Group 7
- > Chairman of RCC Preparatory Group for World Radiocommunication Conference 2011
- > National Coordinating Committee for Government Radiocommunications (NCGR)
- > Department of Defence
- > Department of Broadband, Communications and the Digital Economy (DBCDE)
- > Broadcast Industry Technical Advisory Group (BITAG)
- > Australian Mobile Telecommunications Association (AMTA)
- > Australian Space Industry Chamber of Commerce (ASICC)
- > Communications Alliance Ltd
- > Commonwealth Scientific and Industrial Research Organisation (CSIRO)
- > Australian Electrical and Electronic Manufacturers Association (AEEMA)
- > Wireless Institute of Australia (WIA)
- > Airservices Australia
- > Bureau of Meteorology (BOM)
- > ACMA nominated spectrum expert
- > The Chairs of subject-specific Working Groups operating under the auspices of the Radiocommunications Consultative Committee
- > Specialist industry advisor(s) as determined by the Chair of the Radiocommunications Consultative Committee

1 The role, purpose and direction of the RCC are currently under consideration.

2 Proposed committee membership as at October 2008.

Appendix 3:

Staffing information

Table 38: Staff profiles by employment type, gender and location, 2009–10

Classification	ONGOING										NON-ONGOING									
	Full-time					Part-time					Full-time					Part-time				
	Male	Female		Male		Female	Male		Female	Male	Male	Female		Male	Female	Male	Female		Male	Total
	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10
SES 2	2	2	2	4															4	6
SES 1	7	9	6	6								1							14	16
EL2	39	45	21	22	4	2	9	10				1			1				76	80
Principal Lawyer	3	4	5	4			2	2						1	1				11	12
EL1	94	111	62	69	3	5	25	27				2	2	2					189	217
Senior Lawyer	4	4	7	6								1		1					11	11
ACMA 6	79	77	60	66	2	3	13	14					1	4					160	165
Lawyer			2	2															2	2
ACMA 5	36	34	31	29	3		5	7				4	1	2		7		1	77	84
ACMA 4	12	15	32	35	2		5	7					4				1		56	58
ACMA 3	3	1	9	3			2	2											14	6
ACMA 2							1					1					1		3	6
Graduate												2				2		2	0	0
ACMA 1																			0	0
TOTAL	279	302	238	246	14	10	62	69			11	10	9	10	2	11	2	5	617	663

CANBERRA														
ONGOING							NON-ONGOING							
Classification	Full-time		Part-time		Full-time		Part-time		Full-time		Part-time		Total	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10
SES 2			1	2									1	2
SES 1	4	6	1										5	6
EL2	17	22	7	6	1	3							27	31
Principal Lawyer	1	1	1	1									2	2
EL1	37	45	16	19	2	2							57	69
Senior Lawyer	2	1	1	1									3	2
ACMA 6	24	26	13	20		4	1	1					42	51
Lawyer													0	0
ACMA 5	14	16	14	12	2	1		1					32	30
ACMA 4	4	3	17	23	1	2		2			1	1	27	31
ACMA 3			3										3	0
ACMA 2						1		2		2	1	2	3	6
Graduate													0	0
ACMA 1													0	0
TOTAL	103	120	74	84	6	12	14	2	2	3	2	2	202	230

MELBOURNE															
ONGOING								NON-ONGOING							
Classification	Full-time		Part-time		Full-time		Part-time	Full-time		Part-time		Full-time		Part-time	
	Male	Female	Male	Female	Male	Female		Male	Female	Male	Female	Male	Female	Male	Female
	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09
SES 2			1											1	1
SES 1	3	3	2											5	5
EL2	14	15	6		3	3		1		1	1			28	28
Principal Lawyer	1	2												1	2
EL1	37	44	22					3	1					78	91
Senior Lawyer	2	3	4							1				6	8
ACMA 6	31	30	27					1	1	1				67	69
Lawyer			1											1	1
ACMA 5	9	11	11						1					24	31
ACMA 4	2	4	11											16	13
ACMA 3	2	1	3											6	4
ACMA 2														0	0
Graduate														0	0
ACMA 1														0	0
TOTAL	101	113	88	92	5	4	33	36	3	3	1	1	0	233	253

SYDNEY															
ONGOING								NON-ONGOING							
Classification	Full-time		Part-time		Part-time		Total	Full-time		Part-time		Part-time		Total	
	Male	Female	Male	Female	Male	Female		Male	Female	Male	Female	Male	Female		
	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10
SES 2	2	2		1										2	3
SES 1			4	4					1					4	5
EL2	7	8	8	9		4	4		1					20	21
Principal Lawyer	1	1	4	3		1	2			1	1			7	8
EL1	16	19	23	21	1	7	10		1	2	1			49	54
Senior Lawyer			2	1										2	1
ACMA 6	13	16	19	20	2	1		3	1	2				39	40
Lawyer			1	1										1	1
ACMA 5	8	4	5	4		1	1	1	3	1				15	13
ACMA 4	4	5	4	5		1	1		2					11	11
ACMA 3						1	1							1	1
ACMA 2														0	0
Graduate														0	0
ACMA 1														0	0
TOTAL	51	55	70	69	3	16	19	4	5	6	5	1	1	151	158

FIELD OPERATIONS														
ONGOING						NON-ONGOING								
Classification	Full-time		Part-time		Part-time	Full-time		Part-time		Part-time	Full-time		Part-time	
	Male	Female	Male	Female		Male	Female	Male	Female		Male	Female		
	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10	01.07.09	30.06.10
SES 2													0	0
SES 1													0	0
EL2	1												1	0
Principal Lawyer					1								1	0
EL1	4	3	1										5	3
Senior Lawyer													0	0
ACMA 6 Lawyer	11	5	1										12	5
ACMA 5	5	3	1									7	0	0
ACMA 4	2	3											6	10
ACMA 3	1		3	1									2	3
ACMA 2													4	1
Graduate													0	0
ACMA 1													0	0
TOTAL	24	14	6	1	1	0	1	0	0	0	0	7	0	31
													0	22

Table 39: Salary ranges under ACMA Collective Agreement 2008–10

ACMA local designation	Equivalent APS classification	1 Jan 2010 (\$)
ACMA 1.1	APS Level 1	40,048
ACMA 1.2		42,824
ACMA 2.1	APS Level 2	45,058
ACMA 2.2		48,220
ACMA 3.1	APS Level 3	49,945
ACMA 3.2		51,245
ACMA 3.3		52,544
ACMA 3.4		54,059
ACMA 4.1	APS Level 4	55,666
ACMA 4.2		57,437
ACMA 4.3		58,930
ACMA 4.4		60,561
ACMA 5.1	APS Level 5	62,088
ACMA 5.2		64,037
ACMA 5.3		65,931
ACMA 5.4		67,060
ACMA 6.1	APS Level 6	68,728
ACMA 6.2		70,611
ACMA 6.3		74,159
ACMA 6.4		77,353
ACMA EL1.1	Executive Level 1	85,868
ACMA EL1.2		90,328
ACMA EL1.3		93,922
ACMA EL1.4* (Restricted)		105,637
ACMA EL2.1	Executive level 2	98,998
ACMA EL2.2		105,637
ACMA EL2.3		112,259
ACMA EL2.4		116,016
Lawyer/Legal Officer 1.1	APS Level 5	64,037
Lawyer/Legal Officer 1.2	APS Level 5	67,060
Lawyer/Legal Officer 1.3	APS Level 6	70,611
Lawyer/Legal Officer 1.4	APS Level 6	77,353
Snr Lawyer/Legal Officer 2.1	Exec Level 1	85,868
Snr Lawyer/Legal Officer 2.2	Exec Level 1	93,922
Snr Lawyer/Legal Officer 2.3	Exec Level 1	105,637
Principal Lawyer 3.1	Exec Level 2	112,259
Principal Lawyer 3.2	Exec Level 2	116,016
Tech Trainee 1	Trainee APS (Technical)	40,048
Tech Trainee 2	Trainee APS (Technical)	42,824
Tech Trainee 3	Trainee APS (Technical)	45,058
Tech Trainee 4	Trainee APS (Technical)	48,220
Graduate 1.1	Graduate APS	51,245
Graduate 1.2	Graduate APS	54,059
Graduate 1.3	APS Level 4	55,666

Employees on the grandfathered pay points listed below will receive the pay rises detailed in clause 12 of the Agreement.

ABA EL1.4	Executive Level 1	105,637
ABA EL2.5	Executive Level 2	118,749

**Restricted to employees 'grandfathered' from ABA or locally designated as Snr Lawyer/Legal Officer.*

Abbreviations used in this appendix: SES: Senior Executive Service; EL: Executive Level; APS: Australian Public Service.

Appendix 4:

Implementation of the Commonwealth Disability Strategy

Regulator role

The ACMA had key responsibilities related to access including:

- > licensing and monitoring of community broadcasting (Chapter 2)
- > managing the contracts of the two providers on behalf of the Commonwealth for the provision of the National Relay Service (NRS), organising the associated NRS levy on eligible carriers and monitoring the performance of the service, which gives people who are deaf or have a hearing or speech impairment access to a standard telephone service (Chapter 2)
- > monitoring the supply of customer equipment that enables people with disabilities to access the standard telephone service (Chapter 3)
- > ensuring industry compliance with consumer safeguards (Chapters 2 and 3)
- > administering the universal service obligation to ensure reasonable access for all Australians to standard telephone services and payphones on an equitable basis, wherever they reside or carry on business (Chapter 3)
- > reporting on telecommunications and NRS performance (Chapter 3)
- > providing consumer information in print and electronic formats (Chapters 3 and 4)
- > conducting public consultations when making decisions (Chapters 2 and 3).

Table 40: Regulator role performance, 2009–10

Performance indicator

Publicly available information on regulations and quasi-regulations is available in accessible formats for people with disabilities	TTY number and other access details for the NRS were given in ACMA publications, on stationery and on the website.
	Consumer information was published in print and on the ACMA website in html and pdf formats. Provision was also made for information to be available in other accessible formats on request.
	Public information campaigns were conducted through the media, in ACMA publications and on the website.
	Information and advice was provided by telephone, mail, email or over the counter at ACMA offices.
	Research was conducted to identify information needs of consumers to plan future consumer information campaigns.
	National Relay Service users were consulted through representative organisations on the NRS providers' consultative committee.

Publicly available regulatory compliance reporting is available in accessible formats for people with disabilities	Broadcasting breach investigation reports were published on the ACMA website.
	Quarterly telecommunications performance data was published on the ACMA website.
	The ACMA's annual reports to the minister on telecommunications performance and the NRS were distributed to consumer and disability organisations and published on the ACMA website.

Purchaser role

The ACMA purchased services and managed contracts for internal and external services.

Table 41: Purchaser role performance, 2009–10

Performance indicator	
Publicly available information on agreed purchasing specifications are available in accessible formats for people with disabilities	The ACMA made every effort to provide purchasing specifications in an accessible format when requested.
Processes for purchasing goods and services with a direct impact on the lives of people with disabilities are developed in consultation with people with disabilities	When appropriate the ACMA consulted with people with disabilities in regards to purchasing processes
Purchasing specifications and contract requirements for the purchase of goods and services are consistent with the requirements of the <i>Disability Discrimination Act 1992</i>	Contractors and suppliers for the ACMA, in carrying out services or providing goods for a contract, were required to comply with all relevant legislation of the Commonwealth (including the <i>Disability Discrimination Act 1992</i>).
Publicly available performance reporting against the purchase contract specifications requested in accessible formats for people with disabilities is provided	The ACMA made every effort to provide performance reporting in an acceptable format when requested.
Complaints and grievance mechanisms, including access to external mechanisms, are in place to address any concerns raised about performance	External and internal mechanisms exist for complaints and grievances to address concerns against performance.

Provider role

ACMA provided radiocommunications licensing and interference investigation services direct to the public through its Field Operations, telephone and email.

Table 42: Provider role performance, 2009–10

Performance indicator	
Providers have established mechanisms for quality improvement and assurance	The ACMA's integrated structure ensures operations were linked to ACMA strategic directions and were efficient.
Providers have an established service charter that specifies the roles of the provider and consumer, and service standards which address accessibility for people with disabilities	An ACMA <i>Client Service Charter</i> was developed and published in 2006. See page 156.
Complaints and grievance mechanism, including access to external mechanisms, are in place to address issues and concerns raised about performance	Complaints about the ACMA services could be lodged in person, by telephone or in writing with any ACMA office. Complaints were investigated and addressed at the appropriate level.

Appendix 5:

Licensing and licence allocations

Table 43: Carrier licences, 2009–10

No.	Carrier licence granted to	Date granted
274	QESTel Pty Ltd ACN 136 372 060	1 September 2009
275	Victorian Urban Development Authority	1 September 2009
276	Syncaccess Group Pty. Limited ACN 133 372 415	1 September 2009
277	Logic IT Solutions Pty Ltd ACN 137 819 875	14 September 2009
278	VIVIDWIRELESS Pty Ltd ACN 137 696 461 (formerly WAWB Pty Limited)	16 September 2009
279	CNTCorp Pty.Ltd ACN 106 668 071	2 October 2009
280	Pactel International Pty. Ltd. ACN 105 681 589	29 October 2009
281	Gateway Networks Pty Ltd ACN 140 539 475	10 December 2009
282	Spartan Information Technology Pty. Ltd. ACN 127 980 018	10 December 2009
283	On Q Networks Pty Ltd ACN 131 879 975	10 December 2009
284	NBN Tasmania Limited ACN 138 338 271	27 January 2010
285	Splash Internet Pty Ltd ACN 071 694 196	11 February 2010
286	Telecommunications Integration Services Pty Ltd ACN 125 517 553	2 March 2010
287	NBN Co Limited ACN 136 533 741	18 March 2010
288	Snork Pty Ltd ACN 142 381 771	13 April 2010
289	Hostech Communications Pty Ltd ACN 118 033 051	14 April 2010
290	Tampnet Oceania Pty Ltd ACN 142 201 009	23 April 2010
291	Data and Communications Victoria Pty Ltd ACN 136 567 907	29 April 2010
292	Port of Brisbane Pty Ltd ACN 143 384 749	23 June 2010

Table 44: Nominated carrier declarations, 2009–10

No.	Nominated carrier declared	Network unit(s)	Date made
113	Optus Networks Pty Limited	C-Band transponders 3402.578–3427.578 MHz and 3432.578–3457.358 MHz and L-Band sub band units 1–108 on the Thuraya - 3 satellite in geostationary orbit at 98.5 degrees east longitude owned by Thuraya Telecommunications Company (registered in United Arab Emirates) and used to supply a carriage service to the public.	4 December 2009
114	Indigo Telecom (Aust) Pty Ltd	C-Band transponders 3462.578–3487.578 MHz and 3492.578–3517.578 MHz and L-Band sub band units 109–216 on the Thuraya - 3 satellite in geostationary orbit at 98.5 degrees east longitude owned by Thuraya Telecommunications Company (registered in United Arab Emirates) and used to supply a carriage service to the public.	4 December 2009

115	BigAir Group Limited	Multiple line links owned by Unistar Enterprises Pty Ltd and located at: Flinders University Student Village, Building 18 Griffith University Village, Gold Coast Campus Victoria University, Maribyrnong Village Griffith University, Mt Gravatt Campus Murdoch University Village Griffith University, Nathan Campus UNSW New Collage Village Macquarie University Village RMIT Village Old Melbourne UWS Parramatta Victoria Place	4 December 2009
116	Universal Communications Group	Multiple line links owned by Sanctuary Cove Communication Services Pty Ltd, ACN 126 951 111 and located within Sanctuary Cove Postcode 4212, Queensland.	19 January 2010

Table 45: Retransmission services, 2009–10

Radio/TV	Area	State	Applicant	Frequency(MHz)/channel	Date of effect	Date of expiry
Radio	Muswellbrook	NSW	Upper Hunter Shire Council	107.7	26/06/2009	06/04/2013
TV	Doomadgee	Qld	Doomadgee Aboriginal Shire Council	751.25/60	22/07/2009	21/07/2010
TV	Doomadgee	Qld	Doomadgee Aboriginal Shire Council	814.25/69	22/07/2009	21/07/2010
Radio	Kinglake	Vic.	Upper Goulburn Community Radio Inc.	94.5	03/08/2009	02/08/2010
Radio	Wilpinjong Coal Mine	NSW	Thiess Pty Ltd	95.7	18/08/2009	17/08/2010
Radio	Wilpinjong Coal Mine	NSW	Thiess Pty Ltd	94.1	18/08/2009	17/08/2010
TV	Karumba	Qld	Carpentaria Shire Council	196.25/9	10/09/2009	08/09/2010
TV	Normanton	Qld	Carpentaria Shire Council	216.25/11	10/09/2009	08/09/2010
Radio	Alpha	Qld	Barcaldine Regional Council	102.3	25/08/2009	24/08/2010
Radio	Jericho	Qld	Barcaldine Regional Council	101.7	25/08/2009	24/08/2010
Radio	Jundee Mine	WA	Newmont Jundee Operations Ltd	107.3	28/10/2009	27/10/2010
Radio	Ivanhoe	NSW	Central Darling Shire Council	102.9	08/06/2010	07/06/2011
Radio	White Cliffs	NSW	Central Darling Shire Council	105.1	08/06/2010	07/06/2011
Radio	Wilcannia	NSW	Central Darling Shire Council	106.3	08/06/2010	07/06/2011
Radio	Menindee	NSW	Central Darling Shire Council	105.7	08/06/2010	07/06/2011
TV	Mullumbimby Creek	NSW	Byron Shire Council Water & Sewerage Services	651.198/42	02/12/2009	01/12/2010
TV	Mullumbimby Creek	NSW	Byron Shire Council Water & Sewerage Services	541.198/30	02/12/2009	01/12/2010
TV	Mullumbimby Creek	NSW	Byron Shire Council Water & Sewerage Services	562.198/33	02/12/2009	01/12/2010
TV	Mullumbimby Creek	NSW	Byron Shire Council Water & Sewerage Services	583.198/36	02/12/2009	01/12/2010
TV	Mullumbimby Creek	NSW	Byron Shire Council Water & Sewerage Services	604.198/39	02/12/2009	01/12/2010
TV	Beagle Bay	WA	Beagle Bay Community Inc.	772.25/63	04/02/2010	03/02/2011
TV	Beagle Bay	WA	Beagle Bay Community Inc.	751.25/60	04/02/2010	03/02/2011

TV	Beagle Bay	WA	Beagle Bay Community Inc.	814.25/69	04/02/2010	03/02/2011
Radio	Minerva Mine	Qld	Sandhurst Mining Pty Ltd	106.5	09/10/2009	08/10/2010
Radio	Minerva Mine	Qld	Sandhurst Mining Pty Ltd	104.9	09/10/2009	08/10/2010
TV	Angaston	SA	The Barossa Council	758.25/61	01/10/2009	30/09/2010
TV	Naracoorte	SA	WIN Television SA Pty Ltd	648.5/45	03/12/2009	02/12/2010
Radio	Barrow Island	WA	Chevron Australia Pty Ltd	107.1	16/10/2009	15/10/2010
Radio	Barrow Island	WA	Chevron Australia Pty Ltd	105.5	16/10/2009	15/10/2010
Radio	Barrow Island	WA	Chevron Australia Pty Ltd	103.9	16/10/2009	15/10/2010
Radio	Barrow Island	WA	Chevron Australia Pty Ltd	102.3	16/10/2009	15/10/2010
Radio	Barrow Island	WA	Chevron Australia Pty Ltd	100.7	16/10/2009	15/10/2010
Radio	Barrow Island	WA	Chevron Australia Pty Ltd	99.1	16/10/2009	15/10/2010
Radio	Nyngan	NSW	Bogan Shire Council	103.9	02/03/2010	01/03/2011
Radio	Mesa A Mine	WA	Pilbara Iron Company (Services) Pty Ltd IS&T Comms Team (Seven Mile-Dampier WA) Accounts Payable	104.9	14/05/2010	17/10/2011
Radio	Glenmore Downs	Qld	David Obst	95.9	11/01/2010	10/01/2011
Radio	Eugowra	NSW	Eugowra Promotion and Progress Ass Inc	98.9	04/02/2010	03/02/2011
Radio	Blackwater Mine	Qld	BHP Coal Pty Ltd	102.1	21/06/2010	20/06/2011
Radio	Gulgong	NSW	Mid-Western Regional Council	104.7	24/03/2010	23/03/2011
TV	Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	704.5/53	02/03/2010	01/03/2011
TV	Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	683.5/50	02/03/2010	01/03/2011
TV	Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	732.5/57	02/03/2010	01/03/2011
TV	Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	725.5/56	02/03/2010	01/03/2011
TV	Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	718.5/55	02/03/2010	01/03/2011
Radio	Coffs Harbour	NSW	Coffs Harbour Super AM 639 Pty Ltd	100.5	01/03/2010	28/02/2011
Radio	Mt Owen Mine	NSW	Xstrata Mt Owen Pty Limited	100.9	28/04/2010	19/04/2011
Radio	Onslow WA	WA	Hits Radio Pty Ltd	98.7	20/04/2010	19/04/2011
Radio	Onslow WA	WA	Hits Radio Pty Ltd	100.3	20/04/2010	19/04/2011
Radio	Cunnamulla	Qld	Bidjara Media & Broadcasting Company Ltd	99.7	24/03/2010	23/03/2011
TV	Tumbarumba	NSW	Tumbarumba Shire Council	723.25/56	31/03/2010	30/03/2011
TV	Christmas Island	WA	Attorney - Generals Department	674.25/49	19/03/2010	18/03/2011
TV	Christmas Island	WA	Attorney - Generals Department	632.25/43	19/03/2010	18/03/2011
TV	Christmas Island	WA	Attorney - Generals Department	653.25/46	19/03/2010	18/03/2011
TV	Christmas Island	WA	Attorney - Generals Department	611.25/40	19/03/2010	18/03/2011
Radio	Morawa	WA	Shire of Morawa	93.5	31/05/2010	30/05/2011
Radio	Apollo Bay	Vic.	Otway FM Community Radio Group Inc.	88.7	09/04/2010	08/04/2011
Radio	Narromine	NSW	Narromine Shire Council	101.5	28/04/2010	19/04/2011
Radio	Collinsville	Qld	Leighton Contractors Pty Ltd	96.5	09/04/2010	08/04/2011

TV	Craigmore/ Hillbank	SA	Australian Broadcasting Corporation	606.5/39	05/05/2010	04/05/2011
TV	Craigmore/ Hillbank	SA	Network TEN (Adelaide) Pty Ltd	592.625/37	25/05/2010	24/05/2011
TV	Craigmore/ Hillbank	SA	Channel 9 South Australia Pty Ltd	585.625/36	20/05/2010	19/05/2011
TV	Craigmore/ Hillbank	SA	Special Broadcasting Service Corporation	571.625/34	25/05/2010	24/05/2011
TV	Craigmore/ Hillbank	SA	Channel Seven Adelaide Pty Ltd	578.625/35	20/05/2010	19/05/2011
TV	Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	592.5/37	26/05/2010	25/05/2011
TV	Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	620.5/41	26/05/2010	25/05/2011
TV	Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	634.5/43	26/05/2010	25/05/2011
TV	Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	655.5/46	26/05/2010	25/05/2011
TV	Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	690.5/51	26/05/2010	25/05/2011
TV	Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	592.5/37	26/05/2010	25/05/2011
TV	Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	620.5/41	26/05/2010	25/05/2011
TV	Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	634.5/43	26/05/2010	25/05/2011
TV	Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	655.5/46	26/05/2010	25/05/2011
TV	Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	690.5/51	26/05/2010	25/05/2011
TV	Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	732.5/57	26/05/2010	25/05/2011
TV	Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	753.5/60	26/05/2010	25/05/2011
TV	Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	774.5/63	26/05/2010	25/05/2011
TV	Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	795.5/66	26/05/2010	25/05/2011
TV	Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	816.5/69	26/05/2010	25/05/2011

Table 46: Licences for national services, 2009–10

Radio/TV	Area	Broadcaster	Frequency (MHz)/ channel	Date of effect	Date of expiry
TV	Onslow	ABC	184.5/7	15/08/2009	30/01/2014
TV	Kalbarri	ABC	191.625/8	14/07/2009	30/11/2013
Radio	Bendigo	ABC	89.5	01/04/2010	31/03/2011
Radio	Armidale	ABC	102.7	01/12/2009	30/11/2014
Radio	Murray Valley	ABC	95.9	01/01/2010	30/11/2014
TV	Onslow	ABC	184.5/7	15/08/2009	30/01/2014
Radio	Wollongong	ABC	90.9	01/09/2009	30/11/2013
Radio	Goulburn Valley	ABC	107.7	01/01/2010	30/11/2013
Radio	Central Tablelands	ABC	91.9	01/01/2010	30/11/2014

Radio	Darling Downs	ABC	96.7	01/01/2010	30/11/2014
Radio	Grafton/Kempsey	ABC	90.7	01/01/2010	30/11/2014
Radio	Manning River	ABC	94.7	01/03/2010	28/02/2011
TV	Derby	SBS	212.625/7	23/11/2009	22/11/2014
TV	Derby	ABC	198.625/9	01/12/2009	30/11/2014
TV	Fitzroy Crossing	ABC	746.625/59	01/12/2009	30/11/2014
TV	Wyndham	ABC	226.5/12	13/11/2009	12/11/2010
TV	Halls Creek	ABC	198.625/9	20/11/2009	19/11/2014
Radio	Deniliquin	ABC	100.9	30/03/2010	29/03/2015
TV	Mildura/Sunraysia	ABC	219.5/11	01/07/2010	30/06/2011
TV	Mildura/Sunraysia	SBS	529.5/28	01/07/2010	30/06/2011

Table 47: Test transmissions, 2009–10

Radio/TV	Location	Broadcaster	Frequency (MHz)/ channel	Date of effect	Date of expiry
TV	Coolah	Prime Television (Southern) Pty Ltd	739.5/58	15/08/2009	30/01/2014
TV	Jindabyne	Prime Television (Southern) Pty Ltd	767.5/62	28/07/2009	30/01/2010
TV	Tumut	Prime Television (Southern) Pty Ltd	746.5/59	28/07/2009	30/01/2010
TV	Young	Prime Television (Southern) Pty Ltd	184.5/7	28/07/2009	30/01/2010
Radio	Victor Harbor	Great Southern FM Community Broadcasters Association Inc.	90.1	29/07/2009	28/07/2010
TV	Atherton	Channel Seven Queensland Pty Limited	760.5/61	15/09/2009	07/12/2010
TV	Clermont	Channel Seven Queensland Pty Limited	753.5/60	15/09/2009	07/12/2010
TV	Glenden	Channel Seven Queensland Pty Limited	676.5/49	15/09/2009	07/12/2010
TV	Goondiwindi	Channel Seven Queensland Pty Limited	746.5/59	15/09/2009	07/12/2010
TV	Middlemount	Channel Seven Queensland Pty Limited	655.5/46	15/09/2009	07/12/2010
TV	Monto	Channel Seven Queensland Pty Limited	753.5/60	15/09/2009	07/12/2010
TV	Nebo	Channel Seven Queensland Pty Limited	732.5/57	15/09/2009	07/12/2010
TV	Texas	Channel Seven Queensland Pty Limited	746.5/59	15/09/2009	07/12/2010
TV	Tieri	Channel Seven Queensland Pty Limited	795.5/66	15/09/2009	07/12/2010
TV	Lightning Ridge	Australian Broadcasting Corporation	219.5/11	24/08/2009	30/11/2010
TV	Wilcannia	Australian Broadcasting Corporation	198.625/9	24/08/2009	30/11/2010
Radio	Narrandera	Narrandera District Community Radio Inc.	91.1	24/11/2009	02/05/2010
TV	Ceduna/ Smoky Bay	Special Broadcasting Service Corporation / Transmission Services	224.24/12	10/12/2009	09/12/2014
TV	Nannup	Australian Broadcasting Corporation	550.5/31	16/09/2009	30/11/2010
TV	Lameroo	WIN Television SA Pty Ltd	760.5/61	03/12/2009	02/12/2010
TV	Pinnaroo	WIN Television SA Pty Ltd	697.5/52	03/12/2009	03/12/2010
TV	Tenterfield	Northern Rivers Television Pty Ltd	757.15/61	16/10/2009	16/10/2010
TV	Walgett	Australian Broadcasting Corporation	613.5/40	20/10/2009	19/10/2010
TV	Glenden	WIN Television QLD Pty Ltd	774.5/63	05/01/2009	17/11/2010
Radio	Melbourne City	Commercial Radio Australia Limited	202.16	18/12/2009	17/03/2010
Radio	Emmaville	Deepwater & Districts Community FM Radio Inc.	91.9	01/02/2010	28/02/2010

TV	Corryong	Prime Television (Victoria) Pty Ltd	592.5/37	21/01/2010	13/12/2010
TV	Jerilderie	Prime Television (Victoria) Pty Ltd	781.5/64	21/01/2010	13/12/2010
TV	Khancoban	Prime Television (Victoria) Pty Ltd	704.5/53	21/01/2010	13/12/2010
TV	Walwa/ Jingellic	Prime Television (Victoria) Pty Ltd	739.5/58	21/01/2010	13/12/2010
TV	Gloucester	Prime Television (Northern) Pty Ltd	529.5/28	01/05/2010	30/01/2011
TV	Inverell	Prime Television (Northern) Pty Ltd	753.5/60	01/05/2010	30/04/2011
TV	Condobolin	Prime Television (Southern) Pty Ltd	802.5/67	09/06/2010	30/01/2011
TV	Mudgee	Prime Television (Southern) Pty Ltd	746.5/59	09/06/2010	30/01/2011
TV	Cobden	Prime Television (Victoria) Pty Ltd	788.5/65	09/06/2010	13/12/2010
TV	Colac	Prime Television (Victoria) Pty Ltd	687.15/51	09/06/2010	13/12/2010
TV	Tennant Creek	Australian Broadcasting Corporation	205.625/9A	13/04/2010	12/04/2011
TV	Tennant Creek	Special Broadcasting Service Corporation	219.5/11	16/04/2010	12/04/2011
TV	Alexandra	Prime Television (Victoria) Pty Ltd	781.5/64	09/06/2010	13/12/2010
TV	Eildon	Prime Television (Victoria) Pty Ltd	655.5/46	09/06/2010	13/12/2010
TV	Mansfield	Prime Television (Victoria) Pty Ltd	781.5/64	09/06/2010	13/12/2010
TV	Tawonga South	Prime Television (Victoria) Pty Ltd	571.5/34	09/06/2010	13/12/2010
TV	Yea	Prime Television (Victoria) Pty Ltd	655.5/46	09/06/2010	13/12/2010
TV	Bonnie Doon	Southern Cross Communications Ltd	543.5/30	20/04/2010	19/04/2011
TV	Eildon	Southern Cross Communications Ltd	634.5/43	20/04/2010	19/04/2011
TV	The Paps	Southern Cross Communications Ltd	760.5/61	20/04/2010	19/04/2011
TV	Yarck	Southern Cross Communications Ltd	760.5/61	20/04/2010	19/04/2011
TV	Deniliquin	Prime Television (Victoria) Pty Ltd	662.5/47	09/06/2010	13/12/2010
TV	Foster	Prime Television (Victoria) Pty Ltd	767.5/62	09/06/2010	13/12/2010

Table 48: Digital licences, 2009–10

Area	State	Broadcaster	Purpose	Frequency (MHz)	Channel	Date of effect	Date of expiry
Onslow	NSW	Australian Broadcasting Corporation	National	184.5	7	15/08/2009	30/01/2014
Kalbarri	WA	Australian Broadcasting Corporation	National	191.625	8	14/07/2009	30/11/2013
Onslow	WA	Australian Broadcasting Corporation	National	184.5	7	15/08/2009	30/01/2014
Naracoorte	SA	WIN Television SA Pty Ltd	Retransmission	648.5	45	03/12/2009	02/12/2010
Murwillumbah	NSW	NBN Ltd	Commercial	592.5	37	11/11/2009	11/11/2010
Derby	WA	Special Broadcasting Service Corporation / Transmission Services	National	212.625	7	23/11/2009	22/11/2014
Derby	WA	Australian Broadcasting Corporation	National	198.625	9	01/12/2009	30/11/2014

Fitzroy Crossing	WA	Australian Broadcasting Corporation	National	746.625	59	01/12/2009	30/11/2014
Wyndham	WA	Australian Broadcasting Corporation	National	226.5	12	13/11/2009	12/11/2010
Halls Creek	WA	Australian Broadcasting Corporation	National	198.625	9	20/11/2009	19/11/2014
Khancoban	Vic.	Southern Cross Communications Ltd	Commercial	788.5	65	15/12/2009	14/12/2010
Jerilderie	Vic.	Southern Cross Communications Ltd	Commercial	795.5	66	15/12/2009	14/12/2010
Yea	Vic.	Southern Cross Communications Ltd	Commercial	634.5	43	15/12/2009	14/12/2010
Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	Retransmission	704.5	53	02/03/2010	01/03/2011
Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	Retransmission	683.5	50	02/03/2010	01/03/2011
Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	Retransmission	732.5	57	02/03/2010	01/03/2011
Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	Retransmission	725.5	56	02/03/2010	01/03/2011
Learmonth	Vic.	Waubra Wind Farm Community Fund Group Inc	Retransmission	718.5	55	02/03/2010	01/03/2011
Dungog	NSW	NBN Ltd	Commercial	809.5	68	01/03/2010	28/02/2011
Craigmore/Hillbank	SA	Australian Broadcasting Corporation	Retransmission	606.5	39	05/05/2010	04/05/2011
Craigmore/Hillbank	SA	Network TEN (Adelaide) Pty Ltd	Retransmission	592.625	37	25/05/2010	04/05/2011
Craigmore/Hillbank	SA	Channel 9 South Australia Pty Ltd	Retransmission	585.625	36	20/05/2010	19/05/2011
Craigmore/Hillbank	SA	Special Broadcasting Service Corporation	Retransmission	571.625	34	25/05/2010	24/05/2011
Craigmore/Hillbank	SA	Channel Seven Adelaide Pty Ltd	Retransmission	578.625	35	20/05/2010	19/05/2011
Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	592.5	37	26/05/2010	25/05/2011
Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	620.5	41	26/05/2010	25/05/2011
Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	634.5	43	26/05/2010	25/05/2011
Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	655.5	46	26/05/2010	25/05/2011
Ouyen	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	690.5	51	26/05/2010	25/05/2011
Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	592.5	37	26/05/2010	25/05/2011

Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	620.5	41	26/05/2010	25/05/2011
Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	634.5	43	26/05/2010	25/05/2011
Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	655.5	46	26/05/2010	25/05/2011
Robinvale	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	690.5	51	26/05/2010	25/05/2011
Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	732.5	57	26/05/2010	25/05/2011
Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	753.5	60	26/05/2010	25/05/2011
Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	774.5	63	26/05/2010	25/05/2011
Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	795.5	66	26/05/2010	25/05/2011
Underbool	Vic.	Regional Broadcasting Australia Pty Ltd	Retransmission	816.5	69	26/05/2010	25/05/2011

Table 49: Apparatus licences, 2008 to 2010

Licence type	30 June 2008	30 June 2009	30 June 2010
Aeronautical	1,966	1,977	2,077
Aircraft	13	13	13
Amateur	15,278	15,432	15,626
Broadcasting	9,538	9,676	9,956
Defence	71	71	71
Earth	368	389	478
Fixed	43,338	42,302	42,607
Land mobile	62,659	63,660	64,882
Maritime coast	3,403	3,403	3,405
Maritime ship	8,941	8,594	8,359
Outpost	5,837	5,363	4,887
Public telecommunications service	9	13	13
Radiodetermination	2,098	2,330	2,630
Scientific	508	502	472
Space	49	60	73
Major coast receive	17	17	17
Earth receive	349	371	492
Fixed receive	970	1,014	1,015
Space receive	53	64	257
Total	155,465	155,251	157,330

Note: these figures include multi-year licences.

Table 50: Broadcasting service apparatus licence variations, 2009–10

Radio/ TV	Applicant	Area served	Frequency (MHz)/ Channel	Date of effect	Date of expiry
Radio	Adelaide	SA TAB Pty Ltd	1.539	03/07/2009	30/06/2010
Radio	Cooma	Monaro Community Radio Inc.	90.5	12/08/2009	30/11/2009
Radio	Omeo	Goulburn and Border Broadcasters Pty Ltd	90.1	28/07/2009	21/01/2010
Radio	Bowen	Australian Broadcasting Corporation	92.7	28/07/2009	30/11/2012
Radio	Bowen	Australian Broadcasting Corporation	96.7	28/07/2009	30/11/2012
Radio	Campbelltown	Macarthur Community Radio Association Inc.	100.3	11/08/2009	31/03/2010
Radio	Hobart	Australian Broadcasting Corporation	0.747	14/08/2009	13/08/2010
Radio	Perth	Good News Broadcasters Inc.	98.5	15/08/2009	03/10/2009
Radio	Perth	Peedac Pty Ltd	100.9	21/08/2009	21/01/2013
Radio	Perth	DMG Radio (Perth) Pty Ltd	93.7	15/08/2009	10/04/2010
Radio	Jundee Mine	Newmont Jundee Operations Ltd	105.7	28/10/2009	27/10/2010
Radio	Jundee Mine	Newmont Jundee Operations Ltd	102.5	28/10/2009	27/10/2010
Radio	Jundee Mine	Newmont Jundee Operations Ltd	104.1	28/10/2009	27/10/2010
TV	Upper Hunter IBL	NBN Ltd	809.5/68	04/09/2009	03/09/2010
Radio	Bathurst	Charles Sturt University	92.3	04/10/2007	01/02/2012
Radio	Adelaide	Special Broadcasting Service Corporation Transmission Services	106.3	17/08/2009	30/11/2010
Radio	Halls Creek	Puranyangu-Rangka Kerrem Aboriginal Corp	98.1	09/09/2009	25/08/2010
Radio	Portland	United Christian Broadcasters Australia Limited	105.3	05/11/2009	23/10/2010
Radio	Mesa A Mine	Pilbara Iron Company (Services) Pty Ltd IS&T Comms Team (Seven Mile-Dampier WA) Accounts Payable	103.3	15/05/2010	18/04/2011
Radio	Mesa A Mine	Pilbara Iron Company (Services) Pty Ltd IS&T Comms Team (Seven Mile-Dampier WA) Accounts Payable	98.5	15/05/2010	18/04/2011
Radio	Mesa A Mine	Pilbara Iron Company (Services) Pty Ltd IS&T Comms Team (Seven Mile-Dampier WA) Accounts Payable	96.9	15/05/2010	18/04/2011
Radio	Mesa A Mine	Pilbara Iron Company (Services) Pty Ltd IS&T Comms Team (Seven Mile-Dampier WA) Accounts Payable	100.1	15/05/2010	18/04/2011
Radio	Tamworth	Agricultural Publishers Pty Limited	101.5	13/01/2010	24/01/2010
Radio	Melbourne	Triple M Melbourne Pty Ltd	105.1	10/12/2009	16/10/2010
Radio	Melbourne	Austereo Pty Ltd	101.9	10/12/2009	19/10/2010
Radio	Nowra	South Coast & Tablelands Broadcasting Pty Ltd	91.7	27/11/2009	02/03/2010
Radio	Mount Beauty	Kiewa Valley Community Radio Association Inc	96.5	28/11/2009	18/02/2010
Radio	Kambalda	Regional Broadcasters Australia Pty Ltd	94.7	03/12/2009	21/02/2010
Radio	Sydney	ARN Communications Pty Ltd	101.7	11/02/2010	19/12/2010
Radio	Canberra	ANC International Holdings Pty Ltd	1.323	23/12/2009	20/12/2010
Radio	Walcha	Walcha Council	107.7	17/03/2010	05/06/2011
Radio	Horsham	Australian Broadcasting Corporation	89.3	26/02/2010	30/11/2012

Radio	Charleville	Bidjara Media & Broadcasting Company Ltd	105.7	02/03/2010	01/03/2011
TV	Northampton	Australian Broadcasting Corporation	718.5/55	04/03/2010	03/02/2011
TV	Colac	Australian Broadcasting Corporation	697.5/52	15/06/2009	14/06/2010
Radio	Perth	Arts Radio Ltd	92.1	04/10/2007	03/10/2012
TV	Montumana IBL	Southern Cross Television (TNT9) Pty Ltd	723.25/56	25/06/2010	25/06/2011
Radio	Darwin	Northern Territory Broadcasters Pty Ltd	104.9	24/04/2010	25/02/2011
Radio	Darwin	Northern Territory Broadcasters Pty Ltd	100.1	24/04/2010	27/06/2011
Radio	Murray Bridge	Great Southern FM Community Broadcasters Association Inc.	90.1	30/04/2010	28/02/2011
Radio	Monto	Rebel Radio Network Pty Ltd	105.1	18/06/2010	20/02/2012
Radio	Eildon	Australian Broadcasting Corporation	97.3	21/05/2010	30/11/2012
Radio	Eildon	Australian Broadcasting Corporation	98.1	19/05/2010	30/11/2012
Radio	Tennant Creek	United Christian Broadcasters Australia Limited	104.5	17/12/2009	15/12/2010
Radio	Wondai	South Burnett Regional Council	98.9	13/07/2010	17/04/2012
Radio	Dunedoo	Talbragar Broadcasters Incorporated	96.1	10/06/2010	31/10/2014
TV	Morawa	Shire of Morawa	610/40	31/05/2010	30/05/2015
Radio	Casterton	United Christian Broadcasters Australia Limited	104.5	17/12/2009	16/12/2010
Radio	Emerald	United Christian Broadcasters Australia Limited	92.3	24/10/2009	23/10/2010
Radio	Murray Bridge	Encounter FM Community Broadcasters Association Inc.	88.3	1/03/2009	28/02/2010

Table 51: S102 licences allocated, 2009–10

Applicant	Radio/TV	Area	Frequency (MHz)	Channel	Date of effect	Date of expiry
NBN Ltd	TV	Murwillumbah	592.5	37	11/11/2009	11/11/2009
Southern Cross Communications Ltd	TV	Khancoban	788.5	65	15/12/2009	14/12/2010
Southern Cross Communications Ltd	TV	Jerilderie	795.5	66	15/12/2009	14/12/2010
Southern Cross Communications Ltd	TV	Yea	634.5	43	15/12/2009	14/12/2010
NBN Ltd	TV	Dungog	809.5	68	01/03/2010	28/02/2011
Talbragar Broadcasters Incorporated	Radio	Dunedoo	95.3		10/06/2010	10/06/2015

Table 52: Special events, 2009–10

Medium	Location	Applicant	Frequency (MHz)/channel	Start date	End date
Australian Capital Territory					
Radio	Canberra (SE)	GUZ BOX Design & Audio	99.5	02/12/2009	09/12/2009
Radio	Canberra	Tim Kuschel	99.5	26/03/2010	28/03/2010
Radio	Mitchell	Watchtower Bible & Tract Society of Australia	99.5	22/07/2010	25/07/2010
Radio	Canberra	Canberra Islamic Centre	103.1	06/08/2010	12/09/2010
Radio	Canberra	Street Machine Services Pty Ltd	99.5	06/01/2010	10/01/2010

New South Wales					
Radio	Nambucca Heads	Drag-ens Hot Rod Club	90.5	04/10/2009	11/10/2009
Radio	Sydney	Watchtower Bible & Tract Society of Australia	89.5	05/08/2010	08/08/2010
TV	Eastern Creek International Raceway (SE)	Western Sydney International Dragway Ltd	758.25/61	11/09/2009	13/09/2009
Radio	Sydney	The Bridge Networks Pty Limited	90.9	17/07/2009	27/07/2009
Radio	Temora	Temora & District Community Radio Inc	94.5	25/09/2009	27/09/2009
Radio	Cudgen	Robert Carr	107.9	23/08/2009	08/09/2009
Radio	Bathurst	Staging Connections Pty Limited	103.9	08/10/2009	11/10/2009
Radio	Sydney (SE)	Islamic Radio and Communication Limited	90.9	18/11/2009	18/12/2009
Radio	Appin (SE)	Scout Association of Australia NSW	103.7	24/12/2009	23/01/2010
Radio	Wentworth	Mallee Rover Crew - Scouts Australia	92.3	05/11/2009	09/11/2009
Radio	Sydney Olympic Park	Jands Production services	107.9	01/12/2009	06/12/2009
Radio	Sydney	Bankstown and Surrounding Areas Community Radio Inc	90.9	19/12/2009	18/01/2010
Radio	Sydney	China Radio Network Pty Ltd	91.5	30/01/2010	28/02/2010
Radio	Sydney	Lateral Linking Broadcast Pty Ltd	91.5	01/12/2009	03/12/2009
Radio	Sydney	Lateral Linking Broadcast Pty Ltd	106.1	01/12/2009	03/12/2009
Radio	Sydney	Lateral Linking Broadcast Pty Ltd	106.1	01/12/2009	03/12/2009
Radio	Sydney	University of Sydney Union	90.9	22/02/2010	21/03/2010
Radio	Sydney	Simon Saab	107.9	13/03/2010	28/03/2010
Radio	Sydney	Bankstown and Surrounding Areas Community Radio Inc	107.9	11/02/2010	12/03/2010
Radio	Hurstville	Islamic Radio and Communication Limited	91.5	01/03/2010	31/03/2010
Radio	Hurstville (SE)	Islamic Radio and Communication Limited	90.9	13/07/2010	04/08/2010
Radio	Sydney Olympic Park	Australian Film Television & Radio School	107.9	29/03/2010	14/04/2010
Radio	Sydney SE	Islamic Radio and Communication Limited	90.9	11/08/2010	15/09/2010
Radio	Bathurst Mt Panorama Raceway (SE)	Festival of Sporting Cars Incorporated	103.9	27/03/2010	07/04/2010
Radio	Sydney City (SE)	Fusion Australia Ltd	90.9	04/04/2010	04/04/2010
Radio	Hurstville SE	Simon Saab	107.9	13/03/2010	28/03/2010
Radio	Tamworth	Watchtower Bible & Tract Society of Australia	104.5	05/08/2010	08/08/2010
Radio	St Albans	Shahzada 400 Incorporated	89.5	16/08/2010	30/08/2010
Radio	Tamworth	Agricultural Publishers Pty Limited	101.5	13/01/2011	23/01/2011
Radio	Sydney	University of Sydney Union	91.5	28/08/2010	13/09/2010
Radio	Sydney Olympic Park	BPM Media	89.5	11/01/2010	16/01/2010
Northern Territory					
Radio	Marrara S/E	Watchtower Bible & Tract Society of Australia	96.1	16/09/2010	19/09/2010
Radio	Brunette Downs	ABC Amateur Race Club	104.5	16/06/2010	21/06/2010

Queensland					
Radio	Townsville	Watchtower Bible & Tract Society of Australia	107.9	29/07/2010	01/08/2010
Radio	Brisbane	Watchtower Bible & Tract Society of Australia	91.5	12/08/2010	22/08/2010
Radio	Townsville	Regan Group(Australia) Pty Ltd	96.3	10/07/2009	12/07/2009
TV	Southport (SE)	Jim Downey	597.25/38	09/09/2009	13/09/2009
Radio	Surfers Paradise (SE)	Michael Mallinson	101.7	20/10/2009	25/10/2009
TV	Brisbane	Jim Downey	597.25/38	25/09/2009	26/09/2009
Radio	Atherton	Mark Langtree	91.5	02/11/2009	09/11/2009
Radio	Atherton	Mark Langtree	91.5	18/12/2009	25/12/2009
Radio	Boyne Island SE	Boyne Tannum Hook Up Assoc Inc	103.9	10/06/2010	13/06/2010
Radio	Brisbane SE	University of Queensland	94.3	02/05/2010	03/05/2010
Radio	Mackay	The Cancer Council Queensland	96.3	15/05/2010	16/05/2010
Radio	Townsville	Regan Group (Australia) Pty Ltd	96.3	06/07/2010	12/07/2010
Radio	Brisbane	BPM Media	94.3	03/01/2010	10/01/2010
South Australia					
Radio	Adelaide	Watchtower Bible & Tract Society of Australia	94.3	02/09/2010	05/09/2010
TV	Mount Gambier	BushVision Incorporated	590.25/37	07/11/2009	08/11/2009
Radio	Adelaide	Staging Connections Pty Limited	94.3	13/11/2009	14/11/2009
Radio	Seaton (S/E)	Neville Ross Hood	91.1	02/12/2009	01/01/2010
Radio	Adelaide (SE)	South Australian Motorsport Board Pty Ltd	94.3	11/03/2010	14/03/2010
Radio	Adelaide	Staging Connections Pty Limited	94.3	13/11/2009	15/11/2009
Radio	Seaton SE	Neville Ross Hood	91.1	02/12/2010	01/01/2011
Radio	Nuriootpa	Uniting Church in Australia	97.9	13/03/2010	14/03/2010
Radio	Seaton (S/E)	Neville Ross Hood	91.1	01/04/2010	01/05/2010
Tasmania					
Radio	Glenorchy	Watchtower Bible & Tract Society of Australia	94.9	09/09/2010	12/09/2010
Radio	Deloraine (SE)	Rotary Club Of Deloraine	89.5	29/10/2009	02/11/2009
Radio	Burnie (SE)	Burnie Ten Inc	100.1	17/10/2009	19/10/2009
Victoria					
Radio	Bendigo	Watchtower Bible & Tract Society of Australia	95.1	29/07/2010	01/08/2010
TV	Melbourne	Kangaroo.TV Europe Limited	802.5/67	24/03/2010	28/03/2010
TV	Melbourne	Kangaroo.TV Europe Limited	802.5/67	24/03/2010	28/03/2010
TV	Melbourne	Kangaroo.TV Europe Limited	802.5/67	24/03/2010	28/03/2010
TV	Melbourne	Kangaroo.TV Europe Limited	802.5/67	24/03/2010	28/03/2010
TV	Melbourne	Kangaroo.TV Europe Limited	802.5/67	24/03/2010	28/03/2010
Radio	Melbourne	Watchtower Bible & Tract Society of Australia	89.5	26/08/2010	29/08/2010
Radio	Sandown Vic	McCall Communications Pty Ltd	99.7	31/07/2009	02/08/2009
TV	Phillip Island Vic.	Australian Grand Prix Corporation	800.2567	11/10/2009	21/10/2009
Radio	Phillip Island	Australian Grand Prix Corporation	99.7	11/10/2009	21/10/2009
Radio	Melbourne (SE)	Lawn Tennis Association of Australia Limited	99.7	14/01/2010	01/02/2010

Radio	Portland	Bicycle Institute of Victoria	107.3	28/11/2009	29/11/2009
Radio	Apollo Bay (SE)	Bicycle Institute of Victoria	91.1	02/12/2009	04/12/2009
Radio	Macarthur (SE)	Bicycle Institute of Victoria	104.7	29/11/2009	30/11/2009
Radio	Anglesea (SE)	Bicycle Institute of Victoria	91.1	04/12/2009	05/12/2009
Radio	Queenscliff (SE)	Bicycle Institute of Victoria	91.1	05/12/2009	06/12/2009
Radio	Port Campbell	Bicycle Institute of Victoria	91.1	22/11/2009	02/12/2009
Radio	Port Fairy (SE)	Bicycle Institute of Victoria	104.7	30/11/2009	01/12/2009
Radio	Mildura (SE)	Mildura Country Music Festival Inc	92.3	20/09/2009	05/10/2009
Radio	Mildura (SE)	Mildura District & Returned Ex-Servicemen's Agricultural & Horticultural Soc. Inc.	92.3	12/10/2009	18/10/2009
Radio	Mildura (SE)	Mildura Gospel Music Festival	92.3	20/10/2009	25/10/2009
Radio	Mildura (SE)	Arts Mildura Jazz Food & Wine Festival	92.3	27/10/2009	03/11/2009
Radio	Melbourne City	Lateral Linking Broadcast Pty Ltd	99.7	10/12/2009	10/12/2009
Radio	Melbourne City	Lateral Linking Broadcast Pty Ltd	100.1	10/12/2009	10/12/2009
Radio	Melbourne City (SE)	Melbourne City Council	99.7	30/12/2009	02/01/2010
Radio	Melbourne - Albert Park Raceway (SE)	Australian Grand Prix Corporation	99.7	22/03/2010	29/03/2010
Radio	Melbourne	Optical Audio Productions Pty Ltd	99.7	30/04/2010	02/05/2010
Radio	Caveat Vic.	Scout Association of Australia (Victorian Branch)	94.9	10/06/2010	14/06/2010
Radio	Melbourne	Australian Muslim Media Inc.	99.7	09/08/2010	11/09/2010
Radio	Bendigo	Watchtower Bible & Tract Society of Australia	95.1	29/07/2010	01/08/2010
Western Australia					
Radio	Perth	Watchtower Bible & Tract Society of Australia	106.5	02/09/2010	05/09/2010
Radio	Perth	Western Australian Yachting Foundation	106.5	26/11/2009	29/11/2009
Radio	Perth (SE)	Western Australian Yachting Foundation	88.9	02/02/2010	04/02/2010
Radio	Fremantle (SE)	Fremantle Sailing Club Inc	89.1	14/11/2009	15/11/2009
Radio	Busselton	Murdoch University	94.9	08/01/2010	10/01/2010
Radio	Maida Vale	Uniting Church in Australia	89.1	06/03/2010	07/03/2010
Radio	Armadale	Palis Event Hire & Sales	104.1	15/04/2010	18/04/2010

Appendix 6:

Programs and content

Table 53: Programs granted children's or preschool classification, 2009–10

Program title	Style	Type	Origin	Applicant
Children's—C				
<i>It's Academic</i> (series 10, episodes 1–14)	Live Action	Light Entertainment—Competition/Game Show	Australia	Seven Network (Operations) Limited
<i>It's Academic</i> (series 11 & 12, episodes 1–130)	Live Action	Light Entertainment—Competition/Game Show	Australia	Seven Network (Operations) Limited
<i>Pyramid</i> (series 2 & 3, episodes PYR02/1–65 and PYR03/1–65)	Live Action	Light Entertainment—Competition/Game Show	Australia	Ambience Entertainment Pty Ltd
<i>Scope</i> (series 2, episodes 1–180)	Live Action	Light Entertainment—Magazine	Australia	Network TEN Pty Ltd
<i>Spit It Out</i> (series 1, episodes 1–65)	Live Action	Light Entertainment—Competition/Game Show	Australia	Seven Network (Operations) Limited
<i>The Shak</i> (series 9, episodes 1–65)	Live Action	Light Entertainment—Magazine	Australia	Nine Network Australia Pty Ltd
<i>Totally Wild</i> (series 18, episodes 1–180)	Live Action	Light Entertainment—Magazine	Australia	Network TEN Pty Ltd
Provisional—PRC				
<i>Flea-bag!</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	Fleabag Productions Pty Ltd
<i>Me & My Monsters</i> (series 1, episodes 1–26)	Live Action /Puppetry	Drama—Series	Australia	Sticky Pictures Pty Ltd
<i>Moonsurfers</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	Mumbo Jumbo Animation Pty Ltd
<i>The DaVincibles</i> (series 1, episodes 1–26)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd
<i>Trapped (Castaway)</i> (series 2, episodes 1–26)	Live Action	Drama—Series	Australia	Westway Productions Pty Ltd
Preschool—P				
<i>Magical Tales</i> (series 1, episodes 1–47)	Live Action	Drama—Series	Australia	Ambience Entertainment Pty Ltd
<i>The Fairies</i> (series 3, episodes 1–26)	Live Action/Animation	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Christmas Carols in Fairyland</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Fairy Beach</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Fairy Dancing</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Fairy Dancing Girl</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Fairy Fun Fun Fun</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Fairy Magic</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd
<i>The Fairies—Nursery Rhymes</i>	Live Action	Other Program	Australia	The Fairies Development Pty Ltd

Provisional—PRP				
<i>Good King Freddy</i> (series 1, episodes 1–52)	Animation/ Puppetry	Drama—Series	Australia	Halo Pictures Pty Ltd
<i>Magical Tales</i> (series 1, episodes 1–45)	Live Action	Drama—Series	Australia	Ambience Entertainment Pty Ltd
<i>Toybox</i> (series 1, episodes 1–75)	Live Action	Light Entertainment— Variety	Australia	Beyond Productions Pty Ltd
Australian Children's Drama—CD				
<i>Dive Olly Dive</i> (series 2, episodes 14–52)	Animation	Drama—Series	Australia	Flying Bark Productions Pty Ltd
<i>Dogstar</i> (series 2, episodes 14–52)	Animation	Drama—Series	Australia	Media World Pictures Pty Ltd
<i>Flea-bag!</i> (series 1, episodes 1–16)	Animation	Drama—Series	Australia	Moody Street Kids Pty Ltd
<i>Gasp!</i> (series 1, episodes 1–52)	Animation	Drama—Series	Australia	SLR Productions Pty Ltd
<i>K9</i> (series 1, episodes 14–26)	Live Action/ Animation	Drama—Series	Australia	Metal Mutt Productions
<i>Legend of Enyo</i> (series 1, episodes 14–26)	Animation	Drama—Series	Australia	Avrill Stark Entertainment Pty Ltd
<i>Paradise Cafe</i> (series 1, episodes 1–13)	Live Action	Drama—Series	New Zealand	The Gibson Group Ltd
<i>Sally Bollywood - Super Detective</i> (series 1, episodes 1–13)	Animation	Drama—Series	Australia	Three's A Company Pty Ltd
<i>Sally Bollywood - Super Detective</i> (series 1, episodes 14–52)	Animation	Drama—Series	Australia	Three's A Company Pty Ltd
<i>Santa's Apprentice</i>	Animation	Drama—Feature Film (TV)	Australia	Avrill Stark Entertainment Pty Ltd
<i>The Elephant Princess</i> (series 2, episodes 1–13)	Live Action	Drama—Series	Australia	Jonathan M Shiff Productions Pty Ltd
<i>The Elephant Princess</i> (series 2, episodes 14–26)	Live Action	Drama—Series	Australia	Jonathan M Shiff Productions Pty Ltd
<i>Trapped (Castaway)</i> (series 2, episodes 1–13)	Live Action	Drama—Series	Australia	Westway Productions Pty Ltd
<i>Trapped (Castaway)</i> (series 2, episodes 14–26)	Live Action	Drama—Series	Australia	Westway Productions Pty Ltd
<i>Wakkaville</i> (series 1, episodes WV07–WV26)	Animation	Drama—Series	Australia	Ettamogah Entertainment Pty Ltd

Table 54: Children's television consultants, 2009–10

Name	Expertise
Donna Andrews	Child development/Production
Dina Browne	Production
Robert Greenberg	Production/Script writer/Script editor
Kym Goldsworthy	Production/Script writer
Stephen Measday	Production/Script writer/Script editor
Fiona Mitchell	Child development
Rita Princi	Child development
Gina Roncoli	Production/Script writer
Jenni Tosi	Child development/Production

Appendix 7

Broadcasting investigations outcomes 2009–10

Table 55: ACMA investigations 1 July 2009 to 30 June 2010

COMMERCIAL TELEVISION				
Breach findings: 30				
Station	Investigation number	Program	Substance of complaint	Outcome
ATN Channel Seven Sydney Pty Ltd NSW	2273	<i>Today Tonight</i> 25/05/2009	Factual accuracy, presenting viewpoints fairly, present material in a manner that creates public panic, privacy, correct significant errors of fact and provoke or perpetuate intense dislike, serious contempt or severe ridicule.	Breach—accuracy. No breach—presenting viewpoints fairly. No breach—present material in a manner that creates public panic. No breach—privacy. No breach—correct significant errors of fact. No breach—intense dislike, serious contempt or severe ridicule on grounds of religion.
ATV Network Ten VIC	1953	<i>Channel Ten News</i> 03/10/2007	Portrayal of African migrants.	Breach—accuracy. Breach—present news fairly and impartially. No breach—proscribed material.
ATV Network Ten VIC	2112	<i>Channel Ten News</i> 03/10/2007	Portrayal of African migrants.	Breach—accuracy. Breach—present news fairly and impartially. No breach—proscribed material.
ATV Network Ten VIC	2203	<i>Bad News Bears</i> 18/01/2009	Complainant alleged PG classified film contained inappropriate coarse language.	Breach—classification of films: may be modified.
ATV Network Ten VIC	2221	<i>Bad News Bears</i> 18/01/2009	Complainant alleged PG classified film contained inappropriate coarse language and blasphemy.	Breach—classification of films: may be modified. No breach—intense dislike, serious contempt or severe ridicule on grounds of religion.
ATV Network Ten VIC	2256	<i>Bad News Bears</i> 18/01/2009	Complaints-handling.	Breach—response within 30 days. No breach—referral of complaints to another licensee—relayed broadcasts.
ATV Network Ten (Melbourne) Pty Ltd VIC	2366	<i>What Lies Beneath</i> 23/10/2009	Complainant alleged consumer advice for M classified film was inadequate.	Breach—consumer advice.
GTV Nine Network VIC	1952	<i>Channel Nine News</i> 03/10/2007	Portrayal of African migrants.	Breach—accuracy. Breach—present news fairly and impartially. No breach—proscribed material.

GTV Nine Network VIC	2162	<i>A Current Affair</i> 06/01/2009	Factual inaccuracies in segment about a debt recovery company.	Breach—accuracy. No breach—correction of significant errors.
GTV General Television Corporation Pty Ltd VIC	2284	<i>Weekend Today</i> 14/05/2009	Racism and scanty research in discussion and information about Sharia-law compliant banking products. Late response to complaint.	Breach—provide substantive written response. No breach—intense dislike, serious contempt or severe ridicule on grounds of religion. No breach—accuracy and fair representation of viewpoints. No breach—gratuitous emphasis. No breach—present news fairly and impartially.
GTV General Television Corporation Pty Ltd VIC	2341	<i>The AFL Footy Show</i> 17/9/2009	Likely to incite or perpetuate hatred against or vilify person or group on basis of colour or race and complaints-handling.	Breach—likely to incite or perpetuate hatred against or vilify person or group on basis of colour or race. No breach—substantive written response.
GTV General Television Corporation Pty Ltd VIC	2354	<i>Underbelly: Tale of Two Cities: The Reckoning</i> 20/04/2009	Complainant alleged the M classified program contained inappropriate coarse language; complaints-handling.	Breach—provide substantive written response. No breach—Television Classification Guidelines—language. No breach—proscribed material.
HSV Seven Network VIC	1943	<i>Channel Seven News</i> 03/10/2007	Portrayal of African migrants.	Breach—accuracy. No breach—present news fairly and impartially. No breach—proscribed material.
HSV Seven Network VIC	2219	<i>Channel Seven News</i> 08/02/2009	Privacy and handling of telephone complaint.	Breach—advise complaint procedure in relation to a telephone complaint. No breach—identification of an accident victim. No breach—privacy.
NBN Nine Network NSW	2152	<i>NBN News</i> 11/02/2009	Inadequate captioning of bushfire coverage.	Breach—captioning.*
NBN Nine Network NSW	2157	<i>Underbelly—Sneak Peek</i> promotion 13/01/2009	Complainant alleged promotion contained inappropriate sex and violence; complaints-handling.	Breach—provide substantive written response. No breach—Television Classification Guidelines—violence. No breach—Television Classification Guidelines—sex and nudity.
NWS Channel Nine South Australia Pty Ltd SA	2331	<i>The AFL Footy Show</i> 17/09/2009	Likely to incite or perpetuate hatred against or vilify person or group on basis of colour or race.	Breach—likely to incite or perpetuate hatred against or vilify person or group on basis of colour or race.
RTQ WIN Television QLD Pty Ltd	2340	<i>Dante's Cove</i> 7/12/2009	Complainant alleged AV classified program contained inappropriate sexual material.	Breach—Television Classification Guidelines—sex.
SAS Channel Seven Adelaide Pty Ltd SA	2339	<i>Packed to the Rafters</i> 22/09/2009	Complainant alleged the PG classified program contained inappropriate sexual material.	Breach—Television Classification Guidelines—sex.

STW WIN—Nine Affiliate WA	2270	<i>A Current Affair</i> 02/02/2009	Accuracy and public panic.	Breach—provide a substantive written response. No breach—presents material in a manner that creates public panic. No breach—accuracy in a promotion.
STW WIN—Nine Affiliate WA	2245	<i>Underbelly: A Tale of Two Cities: A Tale of Two Hitmen</i> 02/04/2009	Complainant alleged the M classified program contained inappropriate sex and violence; complaints-handling.	Breach—provide a substantive written response within 30 days. No breach—Television Classification Guidelines—sex. No breach—Television Classification Guidelines—violence.
TCN TCN Channel Nine Pty Ltd NSW	2257	<i>60 Minutes</i> 10/05/2009	Segment contained factual inaccuracies and presented misleading portrayal of Bowraville Central School.	Breach—unfairly identify a business when commenting on the behaviour of a group of businesses. No breach—accuracy and representation of viewpoints. No breach—gratuitous emphasis.
TCN – GO! Nine Network NSW	2271	Lack of captioning	Lack of captioning on 'Channel GO!' (multi-channel) for various programs 9–11 August 2009.	Breach—captioning.*
TCN Nine Network NSW	2272	Lack of captioning	Lack of captioning on various programs between 20 and 30 July 2009.	Breach—captioning.*
TCN Nine Network NSW	2263	<i>A Current Affair</i> 02/02/2009	Accuracy and privacy.	Breach—accuracy. Breach—correct significant errors. No breach—accuracy in a promotion. No breach—gratuitous emphasis.
TCN TCN Channel Nine Pty Ltd NSW	2316	<i>The Shak</i> (Series 8) 19/08/2009	N/A ACMA initiated investigation.**	Breach—principal program personality and presenter endorsed and recommended a commercial product.* Breach—the program segment was embedded advertising and not clearly distinguishable from the program material.* Breach—paragraph 7(1)(b) of Schedule 2 to this BSA.
TCN Nine Network NSW	2223	<i>Underbelly—Sneak Peek</i> promotion 11/01/2009	Complainant alleged promotion contained inappropriate depictions of sex and violence.	Breach—provide response within 30 days; provide substantive written response. No breach—violence. No breach—sex and nudity.
TCN Nine Network NSW	2224	<i>Underbelly—Three Days to Go</i> promotion 06/02/2009	Complainant alleged promotion contained inappropriate depictions of sex and violence.	Breach—provide response within 30 days; provide substantive written response. Breach—program promotions—violence.
TNQ Macquarie Southern Cross – Ten Affiliate QLD	2265	<i>Californication—Series 2—Episode 10</i> 07/12/2008	Lack of consumer advice for MA classified program.	Breach—provide consumer advice for MA classified program.
TWV Channel Seven Perth Pty Ltd WA	2317	<i>Today Tonight</i> 26/11/2008	Omission resulting in unfair representation of viewpoint in story about rental dispute.	Breach—accuracy. No breach—accuracy. No breach—fair representation of viewpoints. No breach—unfair identification.

Non-breach findings: 55

ADS Network Ten (Adelaide) Pty Ltd SA	2394	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
ATN Channel Seven Sydney Pty Ltd NSW	2082	<i>Today Tonight</i> 28/05/2007, 08/06/2007 and 05/05/2008	Accuracy and complaint- handling.	No breach—accuracy. No breach—provide substantive written response.
ATN Seven Network NSW	2319	<i>Flash Forward</i> promotion 26/09/2009	Continuous broadcast of 'watermark' promotion during a movie exceeded allowable advertising per hour; licensee's response inadequate.	No breach—non-program matter 6.00 pm–midnight. No breach—provide substantive written response. No breach—respond within 30 working days.
ATN Channel Seven Sydney Pty Ltd NSW	2323	<i>Today Tonight</i> 21/08/2009	Story on Scientology's approach to mental illness presented misleading information and was likely to incite religious hatred of Scientologists.	No breach—proscribed matter. No breach—accuracy—statement 1. No breach—accuracy—statement 2. No breach—gratuitous emphasis.
ATN Channel Seven Sydney Pty Ltd NSW	2367	<i>Today Tonight</i> 05/05/2008	Inaccurate statement made regarding AML connection with Medicare.	No breach—accuracy.
ATV Network Ten (Melbourne) Pty Ltd VIC	2343	<i>Good News Week</i> 08/06/2009	Derogatory ethnic stereotyping in comments about a talent quest participant.	No breach—program—intense dislike, serious contempt or severe ridicule on grounds of national origin. No breach—promotions intense dislike, serious contempt or severe ridicule on the grounds of national origin.
ATV Network Ten (Melbourne) Pty Ltd VIC	2349	<i>Jaws 2</i> promotion 09/01/2010	Complainant alleged the promotion contained offensive language.	No breach—restriction in G viewing periods and in certain other G programs. No breach—Television Classification Guidelines.
ATV Network Ten (Melbourne) Pty Ltd VIC	2396	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
BTQ Seven Network QLD	2246	<i>Desperate Housewives</i> promotion 11/05/2009	Complainant alleged the program promotion contained inappropriate sexual references for G time zone.	No breach—restriction in G viewing periods and in certain other G programs. No breach—classification of other material.
BTQ Channel Seven Brisbane Pty Limited QLD	2281	<i>Today Tonight</i> 27/05/2004 and 02/03/2009	Accuracy; use of personal material after withdrawal of consent; disclosure of commercial arrangements.	No breach—accuracy. No breach—privacy. No breach—disclosure of commercial arrangements in relation to a factual program that features or endorses a product or service.

BTQ Channel Seven Brisbane Pty Ltd QLD	2283	<i>Today Tonight</i> 4/10/2005	Filmed without knowledge (hidden camera); broadcast without consent.	No breach—privacy. No breach—provide substantive written response. No breach—use of the broadcasting service in the commission of an offence.
BTQ Channel Seven Brisbane Pty Limited QLD	2289	<i>Today Tonight</i> 27/07/2009	Accuracy, privacy and unfair identification.	No breach—accuracy. No breach—privacy. No breach—unfairly identify a single person when commenting on the behaviour of a group of persons.
BTQ Channel Seven Brisbane Pty Limited QLD	2329	<i>Today Tonight</i> 09/09/2009	Segment invaded privacy by broadcasting footage of person involved unknowingly in drink-spiking stunt and gave erroneous account of her action.	No breach—represent viewpoints fairly. No breach—privacy. No breach—unfairly identify a person when commenting on the behaviour of a group of persons.
CBN Prime Television – Seven Affiliate ACT	2247	<i>Home and Away</i> 31/03/2009	Complainant alleged that the homosexual story line not appropriate for PG classified program.	No breach—classification of other material. No breach—Television Classification Guidelines—violence. No breach—Television Classification Guidelines—sex and nudity. No breach—Television Classification Guidelines—themes.
CBN Prime Television – Seven Affiliate ACT	2325	<i>Home and Away</i> 16/04/2009	Complainant alleged that the homosexual story line not appropriate for PG classified program.	No breach—classification of other material. No breach—Television Classification Guidelines—sex and nudity. No breach—Television Classification Guidelines—Themes
CBN Prime Television – Seven Affiliate ACT	2326	<i>Home and Away</i> 15/04/2009	Complainant alleged that the homosexual story line not appropriate for PG classified program.	No breach—classification of other material. No breach—Television Classification Guidelines—violence. No breach—Television Classification Guidelines—sex and nudity. No breach—Television Classification Guidelines—themes.
CTC Macquarie Southern Cross – Ten Affiliate ACT	2309	<i>The Simpsons—The Treehouse of Horror XVIII</i> 02/09/2009	Complainant alleged PG classified program contained inappropriate violence and sexual references.	No breach—classification of other material. No breach—Television Classification Guidelines—violence. No breach—Television Classification Guidelines—sex and nudity.
GTV Nine Network VIC	2217	<i>Underbelly: A Tale of Two Cities—Episodes 1 & 2</i> 09/02/2009	Simulation of an event in a misleading way.	No breach—simulate events to mislead viewers.
GTV Nine Network VIC	2250	Amount of non-program matter 02/03/2009	Amount of time allocated to advertising between 8:30 pm and 9:30 pm; no response to complaint.	No breach—hourly limits on broadcast of non-program matter. No breach—hourly limits on broadcast of non-program matter. No breach—substantive written response. No breach—time limits on response to code complaints.

GTV Nine Network VIC	2278	<i>AFL Footy Show</i> 04/06/2009	Proscribed material, classification of other material.	No breach—proscribed material. No breach—classification of other material.
GTV – Go! General Television Corporation Pty Ltd VIC	2322	<i>Curb Your Enthusiasm, Weeds and Seinfeld</i> 18/10/2009 and 20/10/2009	Lack of captioning.	No breach—captioning.*
GTV General Television Corporation Pty Ltd VIC	2333	<i>Hey Hey it's Saturday—the Reunion</i> 07/10/2009	Blackface skit offensive due to racist caricatures.	No breach—offend cultural sensitivities. No breach—dislike, contempt or ridicule against a group of persons.
GTV General Television Corporation Pty Ltd VIC	2375	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
NEW Network Ten WA	2262	<i>Supernatural</i> promotion 04/05/2009	Complainant alleged promotion contained inappropriate sexual depictions for PG time zone.	No breach—restrictions in PG Programs in certain time periods. No breach—classification of other material. No breach—Television Classification Guidelines—sex and nudity.
NEW Ten Network (Perth) Pty Ltd WA	2320	<i>Good News Week</i> 28/09/2009	Vilification of Christians in satirical take on Australian Christian Lobby's stance against relaxation of PG broadcasting times.	No breach—intense dislike, serious contempt or severe ridicule against a person or group of persons on the grounds of religion.
NEW Network Ten WA	2330	<i>Rove Live</i> 20/09/2009	Complainant alleged M classified program contained inappropriate sexual references.	No breach—classification of other material. No breach—Television Classification Guidelines—sex and nudity.
NEW Ten Network (Perth) Pty Ltd WA	2344	<i>Californication</i> — Season 3— Episode 1	Complainant alleged MA classified program contained inappropriate sexual material.	No breach—Television Classification Guidelines—sex and nudity.
NEW Network Ten (Perth) Pty Ltd WA	2397	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
NRN (One HD) Northern Rivers Television Pty Ltd NSW	2287	Lack of caption	Lack of captioning on multi-channel for variety of programs on different dates.	No breach—captioning.*
NTD Territory Television Pty Ltd NT	2213	<i>A Current Affair</i> 02/02/2009	Accuracy.	No breach—accuracy.
NWS Channel Nine South Australia Pty Ltd SA	2377	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*

NWS Channel Nine South Australia Pty Ltd SA	2210	<i>Underbelly: A Tale of Two Cities—Episode 3—Brave New World</i>	Complainant alleged the M-classified program contained inappropriate sex scenes.	No breach—classification of other material. No breach—Television Classification Guidelines—sex and nudity.
NWS Channel Nine South Australia Pty Ltd SA	2165	<i>Harry Potter and the Goblet of Fire</i>	Complainant alleged the PG-classified film contained inappropriate violence and themes.	No breach—classification of films: may be modified.
PTV Prime Television – Seven Affiliate VIC	2244	<i>Channel Seven News</i> 08/04/2009	Complainant alleged that a story concerning AFL footballers containing inappropriate sexual content.	No breach—exception for news, current affairs and broadcasts of sporting events.
QTQ Nine Network QLD	2288	<i>A Current Affair</i> 03/03/2008	Accuracy and representation of viewpoints.	No breach—accuracy and representation of viewpoints.
QTQ Queensland Television Holdings Pty Ltd QLD	2393	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
SAS Channel Seven Adelaide Pty Ltd SA	2411	<i>Weekend Sunrise</i> 13/02/2010	Complainant alleged the current affairs program contained inappropriate sexual material and nudity.	No breach—exception for news, current affairs and broadcasts of sporting events.
SAS Channel Seven Adelaide Pty Ltd SA	2412	<i>Desperate Housewives</i> promotion 13/02/2010	Complainant alleged the promotion contained inappropriate sexual material.	No breach—classification of other material. No breach—program promotions provisions.
STQ Seven Network QLD	2168	<i>Cyclone Warning</i> 08/03/2009	Lack of captioning.	No breach—captioning.*
STQ Seven Network QLD	2311	<i>Home and Away</i> 15/04/2009	Complainant alleged that the homosexual story line not appropriate for PG classified program.	No breach—classification of other material. No breach—Television Classification Guidelines—violence. No breach—Television Classification Guidelines—sex and nudity. No breach—Television Classification Guidelines—themes.
STQ Seven Network QLD	2312	<i>Home and Away</i> 16/04/2009	Complainant alleged that the homosexual story line not appropriate for PG classified program.	No breach—classification of other material. No breach—Television Classification Guidelines—sex and nudity. No breach—Television Classification Guidelines—themes.

STQ Seven Network QLD	2248	<i>Home and Away</i> 31/03/2009	Complainant alleged that the homosexual story line not appropriate for PG classified program.	No breach—classification of other material. No breach—Television Classification Guidelines— violence. No breach—Television Classification Guidelines—sex and nudity. No breach—Television Classification Guidelines—themes.
STQ Channel Seven Queensland Pty Ltd QLD	2417	<i>Seven Local News</i> 25/03/2010	Accuracy.	No breach—accuracy.
STW Swan Television & Radio Broadcasters Pty Ltd WA	2398	<i>Hungry Jacks Kids Club Meal advertisement</i>	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
TCN Nine Network NSW	2190	<i>Getaway</i> 12/03/2009	Footage of people smoking.	No breach—prohibition on tobacco advertisements.*
TCN Nine Network NSW	2188	<i>Today</i> 13/08/2008	Jokes about the English, including the word 'Pom', were offensive and racist.	No breach—intense dislike, serious contempt or severe ridicule on grounds of national or ethnic origin.
TCN TCN Channel Nine Pty Ltd NSW	2356	<i>Classic Catches Competition</i> 22 to 31 January 2010	Tobacco advertising.	No breach—prohibition on tobacco advertisements.*
TCN TCN Channel Nine Pty Ltd NSW	2392	<i>Hungry Jacks Kids Club Meal advertisement</i>	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
TCN Nine Network NSW	2347	<i>Two & A Half Men</i> 09/11/2009	Complainant alleged the PG classified program contained inappropriate sexual references.	No breach—Television Classification Guidelines—sex.
TEN Network Ten NSW	2200	<i>Johnnie Walker Classic—Golf</i> 21/02/2009	Johnny Walker logo transmitted messages at or near the threshold of normal awareness. Excess advertising.	No breach—transmitting message below or near threshold of normal awareness. No breach—hourly limits on broadcast of non-program matter. No breach—hourly limits on broadcast of non-program matter.
TEN Network Ten (Sydney) Pty Ltd NSW	2376	<i>Hungry Jacks Kids Club Meal advertisement</i>	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
TNT Macquarie Southern Cross – Seven Affiliate TAS	2253	<i>Going Bush</i> 8/02/2009, 15/02/2009 and 22/02/2009	Required particulars for broadcasts involving a political matter not included.	No breach—broadcasting political matter at the request of another person without causing the required particulars to be announced immediately after the broadcast of the matter.*
TVW Seven Network WA	2285	<i>Channel Seven News</i> 23/06/2009	Presentation of broadcast material.	No breach—presentation of broadcast material.

TVQ Network Ten (Brisbane) Pty Ltd QLD	2395	Hungry Jacks Kids Club Meal advertisement	Complainant alleged the premium in the advertisement was more than incidental to the product, in breach of the Children's Television Standards.	No breach—did not broadcast during scheduled C or P period.*
WIN— Canberra WIN Television NSW Pty Ltd ACT	2359	<i>XXI Olympic Winter Games</i> (opening ceremony) 13/02/2010	Lack of captioning.	No breach—captioning.*

* Investigation against a licence condition or standard.

** Section 170 of the BSA gives the ACMA to conduct investigations for purposes of the performance or exercise of any of its broadcasting, content and datacasting functions.

ABC TELEVISION				
Breach findings: 1				
Station	Investigation number	Program	Substance of complaint	Outcome
ABN NSW	2126	<i>ABC News</i> 06/12/2007	Inaccuracy, lack of impartiality and balance in a news segment about brumbies in the Kosciuszko National Park.	Breach—correction of significant errors. Breach—balance. No breach—accuracy. No breach—impartiality.
Non-breach findings: 10				
ABQ QLD	2186	<i>ABC News</i> 06/01/2009	Inaccuracy in report about a baby being 'fed' ecstasy.	No breach—accuracy.
ABQ QLD	2207	<i>Lateline</i> and <i>ABC News</i>	Bias.	No breach—impartiality.
ABN ACT	2307	<i>Sesame Street</i> 02/06/2009	Depictions of witchcraft not suitable for G classified program.	No breach—classification of television programs—G—general (suitable for all ages).
ABN NSW	2351	<i>Island Life</i> 05/01/2010	Complainant alleged G classified program contained inappropriate violence.	No breach—ABC Code of Practice.
ABN NSW	2362	<i>Review with Myles Barlow</i> 06/01/2010	Complainant alleged M classified program contained inappropriate violence.	No breach—ABC Code of Practice.
ABS SA	2237	<i>Stateline</i> 21/11/2008	Misleading information about hearing device and complainant. Interview with complainant edited out of context.	No breach—accuracy.
ABS SA	2400	<i>The Tribe</i> 08/01/2010	Complainant alleged G classified program contained inappropriate sexual material.	No breach—ABC Code of Practice.
ABV VIC	2191	<i>ABC News</i> 29/05/2008	Report about release of memoir by former White House advisor failed with regard to context, impartiality, balance and public interest.	No breach—impartiality. No breach—balance. No breach—public interest.
ABV VIC	2318	<i>Lateline</i> 11/09/2009	Reference to 'Iranian-backed Hezbollah' was inaccurate, biased and misleading.	No breach—accuracy. No breach—impartiality.
ABV VIC	2231	<i>The New Inventors</i> 13/08/2008	Product represented as new invention when it was not.	No breach—accuracy.

SBS TELEVISION

Breach findings: 0

Station	Investigation number	Program	Substance of complaint	Outcome
Non-breach findings: 7				
SBS TV VIC	2199	<i>World News Australia</i> 06/01/2009	Segment about Sri Lankan conflict -- inaccurate, biased, and used footage from an unreliable source.	No breach—accuracy. No breach—impartiality. No breach—non-SBS sources. No breach—violence and distressing events.
SBS TV NSW	2216	<i>Dateline</i> 08/02/2009	Reasonable effort was not made to ensure factual accuracy in a story about a Palestinian woman and her family in a report about Gaza.	No breach—accuracy.
SBS TV NSW	2239	<i>Dateline</i> 15/03/2009	A report about Sri Lanka and Tamil Tigers broadcast words without consent and was unfair, inaccurate and prejudiced; no response to complaint within 60 days.	No breach—transmission of words of an identifiable person. No breach—accuracy and impartiality. No breach—prejudice, racism and discrimination. No breach—reply to complaint within 60 days.
SBS TV	2292	<i>World News Australia</i> 19/07/2009	Footage of distressed 15-year-old whose family had just been murdered was intrusive and unwarranted.	No breach—privacy. No breach—violence and distressing events.
SBS TV VIC	2308	<i>American Swing</i> 28/08/2009	Complainant alleged that the MA15+ classified program contained inappropriate sex scenes that were unsuitable for broadcast.	No breach—sex and nudity. No breach—guidelines for the classification for films and computer games.
SBS TV	2345	<i>800 Bullets</i> 12/11/2009	Complainant alleged that the M classified film contained inappropriate sexual material and violence.	No breach—sex and nudity. No breach—violence.
SBS TV	2222	<i>Chining Me</i>	Complainant alleged that the PG classified program contained animal cruelty.	No breach—violence. No breach—themes.

COMMUNITY TELEVISION

Breach findings: 0

Station	Investigation number	Program	Substance of complaint	Outcome
Non-breach findings: 1				
C31 Melbourne VIC	2290	<i>Blokesworld</i> 07/07/2009 and 14/07/2009	Complainant alleged MA classified program contained inappropriate nudity and was demeaning to women. Complaints-handling.	No breach—appropriate classification of material broadcast. No breach—broadcast material not to stereotype. No finding—complaints-handling.

SUBSCRIPTION BROADCASTING TELEVISION

Breach findings: 1

Station	Investigation number	Program	Substance of complaint	Outcome
FOXTEL E! Entertainment Channel SA	2142	<i>Naked Wild On</i> 02/09/2008	Complainant alleged MA classified program contained inappropriate sexual material and nudity.	Breach—material rated R18+ to be restricted to access by those with appropriate disabling devices.

Non-breach findings: 1

MAX Foxtel Cable Television	2225	Music clip 17/02/2009	Complainant alleged MA classified music clip videos contained inappropriate depictions of sex and violence.	No breach—classification and placement of programming. No breach—protection of children from harmful or distressing material.
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SUBSCRIPTION NARROWCAST TELEVISION

Breach findings: 0

Station	Investigation number	Program	Substance of complaint	Outcome
Global Tamil Vision GTV	2233	Various	Recruiting and soliciting funds for a terrorist organisation.	No breach—section 6 and section 7 of the Broadcasting Services (Anti-terrorism Requirements for Subscription Narrowcasting Television Services) Standard 2006.*

* Investigation against licence condition/standard.

OPEN NARROWCAST TELEVISION

Breach findings: 0

Station	Investigation number	Program	Substance of complaint	Outcome
Al-Manar TV	2158	Various. 28 August – 5 September 2008	N/A ACMA initiated investigation.**	No breach—recruitment to terrorist organisation, soliciting funds for terrorist organisation (Anti-Terrorism Standards).*

* Investigation against licence condition/standard.

** Section 170 of the BSA gives the ACMA to conduct investigations for purposes of the performance or exercise of any of its broadcasting, content and datacasting functions.

COMMERCIAL RADIO

Breach findings: 14

Station	Investigation number	Program	Substance of complaint	Outcome
2DAY Austereo Network NSW	2266	<i>The Kyle and Jackie O Breakfast Show</i> 29/07/2009	Lie detector segment involving a minor; unsatisfied with station response re exploitation and content.	Breach—contemporary standards of decency. Breach—provide substantive written response.

2EL Orange Super AM 1089 Pty Ltd NSW	2336	<i>Grant Goldman Breakfast Program</i> 08/09/2009	The program is a Sydney show which has little to no relevance to listeners in the regional commercial radio licence areas concerned.	Breach—failure to broadcast the required level of material of local significance.* Breach—failure to provide details of material of local significance.*
2GB Harbour Radio Pty Limited NSW	2279	<i>Alan Jones</i> 21/05/2009	False naming of a victim in a news flash, which was corrected the following day, was careless with possible cause of distress.	Breach—accuracy. No finding—provide substantive written response.
2HC Coffs Harbour Super AM 639 Pty Ltd NSW	2335	<i>Grant Goldman Breakfast Program</i> 08/09/2009	The program is a Sydney show which has little to no relevance to listeners in the regional commercial radio licence areas concerned.	Breach—failure to broadcast the required level of material of local significance.* Breach—failure to provide details of material of local significance.*
2LM Richmond River Broadcasters Pty Ltd	2303	<i>The Neil Marks Program</i> Various dates	Disclosure of commercial agreements and distinguishing ads from other program content.	Breach—Disclosure Standard (fail to notify the ACMA).* Breach—paragraph 8(1)(b) of Schedule 2 to the BSA.* No breach—Advertising Standard.*
2PM Port Macquarie Super AM 531 Pty Ltd NSW	2337	<i>Grant Goldman Breakfast Program</i> 08/09/2009	The program is a Sydney show which has little to no relevance to listeners in the regional commercial radio licence areas concerned.	Breach—failure to broadcast the required level of material of local significance.* Breach—failure to provide details of material of local significance.*
2ST Grant Broadcasters NSW	2240	<i>Morning News</i> 01/04/2009	Simulation of news so as to mislead viewers. No response within 30 days and no advice re right of referral to the ACMA.	Breach—inform complainant they have a right to complain to the ACMA. No breach—simulate news as to mislead viewers. No breach—respond to a complaint within 30 days.
2UE Radio 2UE Sydney Pty Ltd NSW	2298	<i>Jim Ball</i> 12/08/2009	Presenter agreed with caller's misquote from the Qur-an and allowed airing of a fabricated claim about Muslims, misleading the audience and inciting hate against Muslims; program refused to present alternative views.	Breach—accuracy. No breach—inciting hatred on the basis of religion. No breach—present significant viewpoints.
3AW Radio 3AW Melbourne Pty Ltd VIC	2332	<i>3AW Drive</i> 3/04/2006 and 11/08/2009	Information about person's departure from the army was inaccurate. Licensee did not respond to complaint within 30 working days.	Breach—respond within 30 days—11 August 2009. No breach—accuracy—11 August 2009. No breach—respond within 30 days—3 April 2006. No finding—accuracy—3 April 2006.
3BAY Geelong Broadcasters VIC	2274	<i>Morning News</i> 19/06/2009	Presenter gave personal opinion about anti-fluoridation campaigners under guise of news report. Complainant not informed to put complaint in writing. Licensee's response did not advise right to refer to the ACMA.	Breach—inform complainant they have right to complain to the ACMA. No breach—distinguish news from comments. No breach—handling of telephone complaint.
4EL Prime Radio (Cairns-AM) QLD	2302	<i>The John MacKenzie Show</i> 17/04/2009 and 24/04/2009	Failure to disclose a commercial agreement in relation to the appearance of the Mayor of Cairns Council on the program.	Breach—Advertising Standard—17 and 24 April 2009.* Breach—Paragraph 8(1)(b) of Schedule 2 to the BSA.* No breach—Disclosure Standard—17 and 24 April 2009.*

4EL Prime Radio (Cairns-AM) QLD	2180	<i>The John MacKenzie Show</i> 17/04/2008 and 18/04/2008	Broadcast of 'cash for comment' material during an interview.	Breach—Advertising Standard—18 April 2008.* No breach—Disclosure Standard*—17 April 2008.* No breach—Advertising Standard—17 April 2008.* Breach—Paragraph 8(1)(b) of Schedule 2 to the BSA.*
6MIX Austereo Network WA	2226	AMI advertisement 26/03/2009	AMI advertisement inappropriate and obscene. Response to complaint advised complainant to refer complaint to AMI.	Breach—inform complainant they have right to complain to the ACMA. No breach—contemporary standards of decency. No breach—broadcast of audio of actual sexual acts.
6NOW Radio 96FM Perth WA	2293	Advertisement 05/07/2009	Explicit and offensive treatment of child sexual abuse. Response not substantive.	Breach—respond substantively in writing. No breach—contemporary standards of decency.
Non-breach findings: 16				
2DAY Today FM Sydney Pty Ltd NSW	2304	<i>The Kyle and Jackie O Breakfast Show</i> 17/07/2009 and 20/07/2009	'Home or Away' segment exploited participants' emotions; station did not provide response to this issue.	No breach—contemporary standards of decency. No breach—provide substantive written response within time limits.
2DAY Today FM Sydney Pty Ltd NSW	2286	<i>The Kyle and Jackie O Breakfast Show</i> 28/07/2009	Swearing at a caller.	No breach—contemporary standards of decency. No breach—gratuitous use of language.
2DAY Today FM Sydney Pty Ltd NSW	2299	<i>The Kyle and Jackie O Breakfast Show</i> 08/09/2009	Vilification of people with mental illness and/or disability through derogatory use of terms 'mental patient'. Response did not address complainant's issues and questions.	No breach—likely to incite or perpetuate hatred against or vilify person or group on basis of mental disability. No breach—provide substantive written response.
2GB Harbour Radio Pty Limited NSW	2357	<i>Jason Morrison Drive Time</i> 09/02/2009	Distinguish ads from other program content.	No breach—Advertising Standard.*
2WFM Australian Radio Network NSW	2218	<i>Sonia & Todd Remixed</i> 01/03/2009	Presenter's comments containing child/adult sexual connotations were inappropriate and offensive.	No breach—contemporary standards of decency.
2ONE (DIGITAL RADIO) Blue Mountains Broadcasters NSW	2280	Broadcasting area	Katoomba RA1 station broadcasting in Sydney RA1.	No breach—not broadcast outside licence area.*
3MMM Austereo Network VIC	2194	<i>Triple M's Porn Star Competition</i> 20/02/2009	Competition to win a role on pornographic film was explicit sexual theme and inappropriate for radio accessible by children.	No breach—contemporary standards of decency.
3MMM Austereo Network VIC	2305	<i>Hot Breakfast with Eddie McGuire</i> Various dates	Disclosure of commercial agreements.	No breach—Disclosure Standard.*

4BBB Today FM Brisbane Pty Ltd QLD	2264	<i>Labrat, Camilla & Stav</i> 09/07/2009	Segment 'Dearly Departed' crossed the line of common decency. Response to complaint advised referral to another company as well as ACMA.	No breach—contemporary standards of decency. No breach—inform complainant they have right to complain to the ACMA.
4BC Fairfax Media QLD	2196	<i>4BC Drive with Michael Smith and 4BC Morning Show with Greg Cary</i> 14/01/2009 and 15/01/2009	Discussion about inappropriate wearing of Muslim burqa incites hatred and discriminates on basis of religion.	No breach—likely to incite or perpetuate hatred against or vilify person or group on basis of religion.
4BNE Daily Mail (UK Radio 2) Pty Ltd QLD	2338	<i>Meshel Ash & Tim</i> 26/10/2009, 03/11/2009 and 09/11/2009	Vilification of transgender community.	No breach—likely to incite or perpetuate hatred against or vilify person or group on basis of gender.
4GLD Gold Coast FM Pty Ltd	2275	<i>Richard and Bridge for Breakfast</i> 12/06/2009	Stunt where a piglet was attached to balloons encouraged cruelty to animals.	No breach—incite violence or brutality. No breach—contemporary standards of decency.
5AA Festival City Broadcasters Pty Ltd SA	2324	<i>The Bob Francis Show</i> 15/09/2009	Inappropriate, offensive language used; elderly disrespected; talk back program does not reflect contemporary standards of decency.	No breach—contemporary standards of decency. No breach—gratuitous use of language.
5ADL Nova 91.9 Pty Ltd SA	2353	<i>Fitzy, Claire and Jules Show</i> 29/10/2009	Homophobic language and overtones. Late response to complaint.	No breach—incite or perpetuate hatred or vilify on grounds of sexual preference. No breach— provide substantive written response within time limits.
6PR Fairfax Media WA	2251	<i>Mornings with Simon Beaumont</i> 11/02/2009	Present news accurately, create public panic and accuracy.	No breach—present news accurately. No breach—create public panic. No breach—accuracy.
6PR Radio 6PR Perth Pty Ltd	2352	<i>Mornings with Simon Beaumont</i> 19/01/2010	Disclosure of commercial agreements.	No breach—Disclosure Standard.*

* Investigation against licence condition/standard.

ABC RADIO

Breach findings: 1

Station	Investigation number	Program	Substance of complaint	Outcome
2RN NSW	2252	<i>Sunday Story</i> 17/05/2009	Foul language used on Radio National at 8.30 am on a Sunday; dissatisfied with acknowledgement by broadcaster of breach regarding content warning provision.	Breach—warnings. No breach—language.

Non-breach findings: 6

2RN NSW	2327	<i>Health Report</i> 17/08/1998	Accuracy.	No breach—accuracy.
2RN NSW	2306	<i>Health Report</i> 17/08/1998	Privacy.	No breach—privacy.

3LO VIC	2227	<i>Breakfast with Red Symons</i> 09/04/2009	Racist and anti-Semitic comments.	No breach—offensive content. No breach—stereotyping/discrimination.
3RN VIC	2178	<i>AM, The World Today and PM</i> 15/08/2008 to 02/09/2008	Anti-Palestinian bias by failing to report a Gaza protest action (boat voyage). Also ABC's handling of complaint.	No breach—impartiality. No breach—provide adequate response to complaints.
3RN VIC	2282	<i>AM</i> 6/10/2008	Use of term 'disputed land' in report on West Bank was inaccurate. Report failed to include relevant issues re Israeli settlements.	No breach—accuracy. No breach—impartiality.
5AN SA	2374	<i>Mornings with Matthew Abraham and David Bevan</i> 23/02/2010	Accuracy, context and misrepresentation of viewpoints.	No breach—accuracy, context and misrepresentation of viewpoints.

SBS RADIO

Breach findings: 2

Station	Investigation number	Program	Substance of complaint	Outcome
3EA VIC	2182	<i>Tamil Language Program</i> 26/10/2008	Interview about Sri Lankan conflict was one-sided and contained untrue statements. SBS investigation was inadequate.	Breach—balance. No breach—impartiality. No breach—accuracy. No breach—investigation of complaints.
3EA VIC	2198	<i>Tamil Language Program</i> 18/01/2009	Program spread false information about the Sri Lankan Defence Forces; was not impartial; and created opportunities to build tensions within Sri Lankan community.	Breach—accuracy. No breach—balance. No breach—impartiality. No breach—non-SBS sources. No breach—prejudice, racism and discrimination.

Non-breach findings: 1

3SBSFM VIC	2294	<i>Arabic Language Program</i> 06/03/2009	Biased and inaccurate comment about Syrian President that was discriminatory to Syrian community and not balanced by a pro-Syrian view.	No breach—prejudice, racism and discrimination No breach—balance, impartiality and accuracy.
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COMMUNITY RADIO

Breach findings: 19

Station	Investigation number	Program	Substance of complaint	Outcome
2EAR Moruya NSW	2155	Advertisements 2, 4, 6 and 9 February 2009	Advertisements were broadcast.	Breach—prohibition on broadcast of advertisements.*
2EAR Moruya NSW	2154	Advertisements 2 and 4 February 2009.	Advertisements were broadcast.	Breach—advertising.*
2GLF Liverpool NSW	2230	<i>Radio Lehen</i> 30/05/2009	Advertisements were broadcast.	Breach—advertising.*

2MIA Griffith NSW	2268	Encourage participation; Conflict resolution policy; Policy documents will be freely available	Licensee not encouraging community to participate in the operations of the service. Conflict resolution. Making documents freely available.	Breach—encourage participation.* Breach—conflict resolution. No breach—policy documents will be freely available.
2NVR Nambucca Heads NSW	2269	<i>My After School Show</i> 16/07/2009	Allegation that licensee broadcast inappropriate material during a youth program and that it did not have appropriate programming policies in place.	Breach—no programming practices which protect children from harmful material. No breach—consider audience, context, degree of explicitness.
2OOO Sydney NSW	2267	<i>Nawaa-E-Sarosh</i> 10 to 15 August 2009.	Broadcast of advertisements.	Breach—advertising.* Breach—records of matter broadcast.*
2RES Waverley NSW	2295	<i>Monika Geetmala</i> 20/09/2009	Allegation that the broadcaster conducted an interview with a promoter of an event and that this interview was an advertisement.	Breach—records of matter broadcast* No finding—advertising.*
2SEA Eden NSW	2238	Advertising, sponsorship Various dates	Advertisements and sponsorship announcements in excess of the five minute limit.	Breach—advertising (28 February 2009).* Breach—advertising (14 March 2009).* Breach—advertising (21 March 2009).* Breach—advertising (23 May 2009).* No breach—advertising (16 May 2009).* No breach—advertising (30 May 2009).* No breach—sponsorship (28 February 2009).* No breach—sponsorship (14 March 2009).* No breach—sponsorship (30 May 2009).* No finding—advertising (7 March 2009).* No finding—sponsorship (7 March 2009).*
3CH Kyneton VIC	2276	Advertisements 29 to 30 August 2009	Advertisements broadcast during football matches.	Breach—advertising.* No breach—advertising.*
3CH Kyneton VIC	2404	<i>Riddell District Football League</i> 10/04/2010	Advertisements broadcast during football match.	Breach—advertising.*
3CH Kyneton VIC	2408	Encourage participation	Licensee not encouraging community to participate in the operations of the service.	Breach—encourage participation.*
3TSC Melbourne VIC	2277	<i>News</i> 16/07/2009	Broadcasting news report was allegedly not appropriate for children and at odds with the values of the service.	Breach—complaints-handling. No breach—general programming.
3ZZZ Melbourne VIC	2254	<i>Macedonian Program</i>	Program was inaccurate, unfair and incited hatred. Licensee did not respond to the complaint in accordance with the Code.	Breach—respond within 60 days. No breach—acknowledge complaints. No breach—conscientiously consider complaints. No breach—incite hatred. No breach—requirements for news and current affairs.

4CCR Cairns QLD	2261	Complying with Code	Policies and procedures not in place as required under codes of practice.	Breach—corporate governance policies and procedures. Breach —membership policies. Breach—conflict resolution. Breach—complaints-handling. Breach—policies and procedures to encourage participation. Breach—volunteering policies. Breach—policy documents will be freely available.
4DDB Toowoomba QLD	2296	<i>Jack In The Box</i>	Advertisements and sponsorship announcements in excess of the five minute limit.	Breach—sponsorship.* No breach—advertising.*
4DDB Toowoomba QLD	2234	<i>Jack In The Box</i> 8 and 9 May 2009	Advertisements and sponsorship announcements in excess of the five minute limit.	Breach—advertising (9 May 2009, 6.00–7.00 am).* Breach—sponsorship (9 May 2009, 6.00–7.00 am and 7.00–8.00 am).* No breach—advertising (8 May 2009, 6.00–8.00 am and 8.00–9.00 am).* No breach—sponsorship (8 May 2009, 8.00–9.00 am). *
4DDB	2358	Sponsorship time limit/advertising	Broadcasting of advertisements and excessive sponsorship announcements.	Breach—sponsorship time limit.* No breach—advertising prohibition.*
4FCR Hervey Bay QLD	2260	Encourage participation	Licensee not encouraging community to participate in service.	Breach—encourage participation.*
6HFM Armadale WA	2211	Advertising, encourage participation	Broadcasting of advertisements. Licensee does not encourage participation.	Breach—advertising.* No breach—encourage participation.*
Non-breach findings: 9				
2AIR Coffs Harbour NSW	2235	Encourage participation	Licensee not encouraging community to participate in the service.	No breach—encourage participation.*
2EAR Moruya NSW	2229	Encourage participation	Licensee placing barriers to participation at the station.	No breach—encourage participation.*
2YOU Tamworth NSW	2255	Represent community interest; encourage participation.	Licensee not representing the community interest and not encouraging the community to participate in the service.	No breach—represent community interest.* No breach—encourage participation.*
3REG East Gippsland VIC	2423	Encourage participation	Licensee not encouraging community to participate in the selection and provision of programs on the service.	No breach—encourage participation.*
3RUM Upper Murray VIC	2243	<i>Sunday Celebration</i>	Licensee broadcast an advertisement.	No breach—advertising.*
4CCR Cairns QLD	2185	Represent community interest; encourage participation.	Licensee not representing the community interest and not encouraging the community to participate in the service.	No breach—represent community interest.* No breach—encourage participation.*
4FCR Hervey Bay QLD	2313	Complying with Codes	Internal conflict policies, rights and responsibilities of volunteers and complaints- handling.	No finding—studio fire had destroyed station documentation.

6HFM Perth WA	2169	Operating as a profit-making enterprise.	Allegation that the service was being operated for profit or as part of a profit-making enterprise.	No finding—insufficient evidence.*
6RPH Perth WA	2170	Operating as a profit-making enterprise	Allegation that the service was being operated for profit or as part of a profit-making enterprise.	No finding—insufficient evidence.*

* Investigation against licence condition/standard.

TEMPORARY COMMUNITY RADIO

Breach findings: 4

Station	Investigation number	Program	Substance of complaint	Outcome
BACR Bankstown NSW	2193	Encourage participation	Licensee not encouraging the community to participate in the service.	Breach—encourage participation.*
9603 Bundaberg QLD	2212	<i>Easy Beat, Monday Easy Listening, LBS and Kross Kuts Country Breakfast</i> 28 May 2009; 1,4 and 5 June 2009	Conflict resolution, volunteer policies and procedures and advertisements and broadcasting sponsorship announcements.	Breach—broadcast advertisements—5 June 2008 (6.00–9.00 am)* Breach—sponsorship time limits—9 June 2009 (9.00–10.00 am)* No breach—conflict resolution. No breach—volunteer policies and procedures.
Sport FM Fremantle WA	2236	<i>The Run Home</i>	Licensee broadcasting advertisements and sponsorship announcements in excess of five minute limit. Licensee failing to represent the community interest.	Breach—advertising.* Breach—sponsorship.* No breach—represent community interest.*
2YYY	2361	Complying with Codes	Internal conflict policies and complaints-handling.	Breach—conflict resolution. Breach—complaints-handling.

Non-breach findings: 3

Flame FM Bankstown NSW	2291	Represent community interest; encourage participation.	Licensee not representing community interest and encouraging the community to participate in the service.	No breach—represent community interest.* No finding—encourage participation.*
Phoenix FM Bendigo VIC	2355	Sponsorship 15/02/2010	Sponsorship announcements in excess of the five minute limit.	No breach—sponsorship (15 February 2010, 11.00 pm–12.00 am).*
101.3 FM Port Hedland Port Hedland WA	2342	Advertising, sponsorship. Various dates	Broadcast of paid community information material was not tagged and sponsorship announcements in excess of the five minute limit.	No breach—advertising (7 December 2009, 10.00–11.00 pm).* No breach—advertising (9 December 2009, 10.00–11.00 pm).* No breach—advertising (13 December 2009 1.00–2.00 am).* No breach—sponsorship (7 December 2009, 10.00–11.00 pm).* No breach—sponsorship (9 December 2009, 10.00–11.00 pm).* No breach—sponsorship (13 December 2009, 1.00–2.00 am).*

* Investigation against licence condition/standard.

OPEN NARROWCAST RADIO

Breach findings: 2

Station	Investigation number	Program	Substance of complaint	Outcome
98.7 Territory FM NT	1999	Category of service	Broadcasting a commercial service contrary to its licence.	Failure to comply with requirement to operate the station to only provide an open narrowcasting service.*
Narrowcast Radio	2150	Category of service	Broadcasting a commercial service contrary to its licence.	Failure to comply with requirement to operate the station to only provide an open narrowcasting service. *

Non-breach findings: 0

* Investigation against a licence condition.

Note: Following the tabling of the Australian Communications and Media Authority Annual report 2008–09 in Parliament on 20 October 2009, the ACMA found that Appendix 7: Broadcasting investigations outcomes was not complete due to a compilation error. The complete version of Appendix 7 was published subsequently as an addendum to the ACMA's annual report and, in accordance with requirements for annual reports, was tabled separately in Parliament on 16 November 2009. The electronic copy of the ACMA annual report on the ACMA website was updated to include the full version of the revised Appendix 7.

Appendix 8:

Freedom of information

Statement under section 8 of the *Freedom of Information Act 1982*

The *Freedom of Information Act 1982* (FOI Act) creates a right to access certain documents in the possession of Commonwealth Government agencies.

Section 8 of the FOI Act requires each agency to publish details of its nature and functions including its powers, kinds of decisions made, arrangements for public involvement in its work and how members of the public can obtain access to documents. This appendix supplements information in the body of this report about the role and functions of ACMA, for the purposes of section 8 of the FOI Act.

The ACMA's FOI processes

A person is entitled to request access to documents held by the ACMA (including documents previously held by the Australian Broadcasting Authority (ABA) and the Australian Communications Authority (ACA)) under the FOI Act. There is no form which needs to be completed. However, applications must be in writing and identify the documents which are sought. Requests should ordinarily be accompanied by the prescribed \$30 application fee.

Correspondence on FOI matters (including FOI applications) should be directed to:

The Freedom of Information Coordinator
Australian Communications and Media
Authority
PO Box Q500
Queen Victoria Building NSW 1230
Fax: (02) 9334 7799

The Chair of the ACMA has powers to grant or refuse access to documents held by the ACMA and to impose charges for processing an FOI application. The Chair has authorised certain officers in the agency to exercise these powers.

The ACMA usually gives access by providing photocopies or emailed scans of the original records. It may be possible to arrange for personal inspection of records, or computer terminal access to some records, at the ACMA's offices.

If the documents sought are publicly available, it is not necessary to make an FOI request. The ACMA makes a large amount of information available free of charge (see below).

Documents accessible through FOI processes

Records are held by the ACMA in various forms, including paper files, audiovisual recordings and computer media. Files are maintained on topics relating to the functions of the ACMA and are managed by the ACMA's Information Management Section.

The types of documents held by the ACMA include:

- > brochures, bulletins and information papers
- > correspondence
- > field staff guidelines
- > financial records and reports
- > legal instruments
- > mailing lists
- > ministerial briefing papers
- > policy advice
- > research and discussion papers
- > submissions to committees

- > technical journals
- > technical operating instructions
- > workplace agreements
- > working party reports
- > records related to staffing and other human resources activities.

The ACMA also holds in archives a variety of documents that were produced by its predecessors (the ABA, the ACA, the Australian Broadcasting Tribunal, AUSTEL and the Spectrum Management Agency). However, documents produced by the former Competition Branch of AUSTEL are held by the ACCC.

Various registers were maintained by AUSTEL, the ABA and the ACA. Those registers are now held by the ACMA or the ACCC, including registers that are no longer maintained.

For further information on how to make an FOI application visit www.acma.gov.au.

Documents accessible through other means

The ACMA has a number of documents which are available free of charge. They include brochures, bulletins, discussion papers and reports, and technical information papers. The ACMA also produces CD-ROMs of technical and licensing information that are available to the public. Most ACMA publications are available online at www.acma.gov.au with printed copies available on request.

The ACMA has a form which should be used to request a printed copy or to make a purchase. This form is also available on the ACMA's website. Requests for copies of any publication can be directed to the ACMA by email to candinfo@acma.gov.au or telephone on (03) 9963 6968.

Legislative instruments made by the ACMA are available on the Federal Register of Legislative Instruments at www.comlaw.gov.au.

Organisation, functions and decision making

The ACMA has a range of decision making powers of that may affect members of the public. A detailed description of the ACMA's structure, functions and roles and responsibilities is outlined in earlier parts of this report. The powers are exercised in accordance with the Acts specified in Appendix 9 of this report; and under regulations or other instruments made under those Acts.

The ACMA's arrangements for public involvement in its work

The ACMA makes arrangements for bodies or persons outside of the Commonwealth to contribute views on the ACMA's formulation of policy and on the administration of its functions. The ACMA consults extensively with representatives of industry, consumers, government and academia, often through a range of committees including:

- > Radiocommunications Consultative Committee
- > Consumer Consultative Forum
- > Technical Advisory Group
- > Emergency Call Service Advisory Committee
- > Australian ENUM Discussion Group
- > National Relay Service Customer Consultative Committee
- > Numbering Advisory Committee.

Appendix 9:

Legislation

The Australian Communications and Media Authority performed its principal roles, responsibilities and obligations under the following legislation administered by the Department of Broadband, Communications and the Digital Economy and the Attorney-General's Department:¹

Acts	Act number	Date of assent	Date of commencement
<i>Australian Broadcasting Corporation Act 1983</i>	6 of 1983	1 June 1983	Part I (ss. 1–4), ss. 7, 9–24, 34, 69 and 83: Royal Assent Remainder: 1 July 1983 (see Gazette 1983, No. S124)
<i>Australian Communications and Media Authority Act 2005</i>	44 of 2005	1 April 2005	Ss. 3–68: 1 July 2005 Remainder: Royal Assent
<i>Broadcasting Services Act 1992</i>	110 of 1992	14 July 1992	Ss. 4, 5, 7–92 and 117–218: 5 Oct 1992 (see Gazette 1992, No. GN38) Remainder: Royal Assent
<i>Datacasting Charge (Imposition) Act 1998</i>	98 of 1998	27 July 1998	27 July 2008
<i>Datacasting Transmitter Licence Fees Act 2006</i>	154 of 2006	8 December 2006	1 January 2007
<i>Do Not Call Register Act 2006</i>	88 of 2006	30 June 2006	Parts 2, 4–5, ss 39–40 and 42–45, Schedules 1–3: 31 May 2007 (see F2007L01114)
Remainder: Royal Assent			
<i>Interactive Gambling Act 2001</i>	84 of 2001	11 July 2001	Ss. 15, 15A, 61AA–61FE: 8 Aug 2001 Ss. 16–31, 42, 43, 48, 49, 54–59: 12 Jan 2002 Remainder: Royal Assent
<i>NRS Levy Imposition Act 1998</i>	3 of 1998	26 March 1998	26 March 1998
<i>Radiocommunications Act 1992</i>	174 of 1992	11 December 1992	1 July 1993
<i>Radiocommunications (Receiver Licence Tax) Act 1983</i>	132 of 1983	22 December 1983	20 Aug 1985 (see Gazette 1985, No. S322)
<i>Radiocommunications (Spectrum Licence Tax) Act 1997</i>	144 of 1997	9 October 1997	9 October 1997
<i>Radio Communications Taxes Collection Act 1983</i>	133 of 1983	22 December 1983	20 Aug 1985 (see Gazette 1985, No. S322)
<i>Radiocommunications (Transmitter Licence Tax) Act 1983</i>	137 of 1983	22 December 1983	20 Aug 1985 (see Gazette 1985, S322)
<i>Radio Licence Fees Act 1964</i>	119 of 1964	24 November 1964	24 Nov 1964

¹ The administration of Acts is determined by the Administrative Arrangements Order see www.comlaw.gov.au C2008Q00023.

<i>Spam Act 2003</i>	129 of 2003	12 December 2003	ss.1-14, 42, 47 and Schedule 2: 12 Dec 2003;
Parts 2-6, s. 41, 43-46, Schedules 1 and 3: 10 April 2004			
Remainder: Royal assent			
<i>Special Broadcasting Service Act 1991</i>	180 of 1991	25 November 1991	S. 54: 24 Mar 1994 (see Gazette 1994, No. GN10) Remainder: 23 Dec 1991
<i>Telecommunications Act 1997</i>	47 of 1997	22 April 1997	Ss. 41–51, 56–85, 98–495, 507–576, 579–588, 590–593 and Schedules 1–4: 1 July 1997 Ss. 52–55: 5 June 1997 Remainder: Royal Assent
<i>Telecommunications (Carrier Licence Charges) Act 1997</i>	49 of 1997	22 April 1997	22 April 1997
<i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>	50 of 1999	5 July 1999	Part 3: 1 July 1999 Remainder: 2 Aug 1999
<i>Telecommunications (Interception and Access) Act 1979</i>	114 of 1979	25 October 1979	1 June 1980 (see Gazette 1980, No. G21, p. 2)
<i>Telecommunications (Numbering Charges) Act 1997</i>	51 of 1997	22 April 1997	Parts 1 and 4: Royal Assent
Parts 2 and 3: 1 July 1997			
<i>Telecommunications (Universal Service Levy) Act 1997</i>	53 of 1997	24 April 1997	1 July 1997
<i>Television Licence Fees Act 1964</i>	118 of 1964	24 November 1964	24 November 1964
<i>Telstra Corporation Act 1991</i>	79 of 1991	26 June 1991	Part 1 (ss. 1–7): Royal Assent Remainder: 1 Feb 1992 (see Gazette 1992, No. S32)
<i>Telstra (Transition to Full Private Ownership) Act 2005</i>	118 of 2005	23 September 2005	Schedule 1 items 45-51 and 53-65: 24 Nov 2006 (F2006L03997);
Schedule 1 Item 52: The third anniversary of the designated day declared under section 3.			
Schedule 1 Part 3: The 85% sale day declared under section 4.			
Remainder: Royal Assent			
<i>Trade Practices Act 1974, Parts XIB and XIC</i>	51 of 1974	24 August 1974	Ss. 1 and 2: Royal Assent S. 55: 27 Sept 1975 (see Gazette 1975, No. S178) Remainder: 1 Oct 1974 (see Gazette 1974, No. 75B)

Appendix 10:

Notifications, directions and instruments

Section 57 of the *Australian Communications and Media Authority Act 2005* requires copies of certain directions and instruments to be included in the ACMA's Annual Report including directions given to the ACMA under section 14 of the Australian Communications and Media Authority Act, and directions given by the ACMA to a carrier or carriage service provider under section 581 of the *Telecommunications Act 1997* during the financial year.

In the 2009–10 financial year, the ACMA was given one direction under section 14 of the Australian Communications and Media Authority Act:

- > Australian Communications and Media Authority (Development of Technical Standards for Domestic Digital Television Reception Equipment) Direction No. 1 of 2009.

The direction was registered on the Federal Register of Legislative Instruments on 10/11/2009 at: www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/framelodgmentattachments/D704F9ACE1A2E3B0CA2576690013BCF2

Additionally, section 67 of the Australian Communications and Media Authority Act requires the ACMA to maintain a register of all directions given to the ACMA under that Act or any other Act. The ACMA maintains this register by electronic means on its website at www.acma.gov.au.

The ACMA did not give any directions during the financial year under section 581 of the Telecommunications Act.

Appendix 11:

Disclosures of information

Disclosures made under Part 13 of the *Telecommunications Act 1997*

By carriers and carriage service providers

Reason for disclosure	(Sub) section of Act	Number of disclosures	
		2008–09	2009–10
Authorised by or under law	280	8,662	5,898
Made as a witness under summons	281	333	538
For the enforcement of criminal law—not certified	282(1) (repealed)	–	–
For the enforcement of law imposing pecuniary penalty or protection of public revenue—not certified	282(2) (repealed)	–	–
For the enforcement of criminal law—certified	282(3) (repealed)	–	–
For the enforcement of law imposing pecuniary penalty or protection of public revenue—certified	282(4) (repealed)	–	–
To protect public revenue—certified	282(5) (repealed)	–	–
To assist the ACA/ACMA	284(1)	2,074	3,003
To assist the ACCC	284(2)	29	3
To assist the TIO	284(3)	14,590	16,687
Calls to emergency service number	286	–	41
To avert a threat to a person's life or health	287	5,333	7,350
Communications for maritime purposes	288	3	1
With the knowledge or consent of the person concerned	289	301,747	271,631
In circumstances prescribed in the Telecommunications Regulations 2001	292	3	1
Connected with an exempt disclosure	293	0	1
Total		332,774	305,154

Source: Carriers.

Note: Following the Report of the Review of the Regulation of Access to Communications, legislative amendments were made in September 2007 to transfer a range of provisions, including those for access to telecommunications data, from the Telecommunications Act to the TIA Act. The amendments came into effect in November 2007 with the repeal of section 282 of the Telecommunications Act and the commencement of new provisions in the TIA Act (sections 177, 178, 179 and 180).

By emergency management persons (EMP) for telephone-based emergency warning systems

Reason for disclosure	(Sub) section of Act	Number of disclosures
Likely emergency	295V(1)	1,029
Actual emergency	295V(2)	253,449
Testing	295V(3)	7,653,069
Other ¹	295V(4)	80,584,575

¹ An EMP may disclose relevant information (other than the names of persons) to another person for the purpose of the information being later used or disclosed for a purpose connected with persons being alerted to an emergency or likely emergency. This disclosure relates to the initial IPND information required to develop the telephone-based emergency warning system and subsequent updates.

Appendix 12:

Judicial and administrative decisions 2009–10

Judicial decisions and decisions of administrative tribunals made in the 2009–10 financial year that have had, or may have a significant impact on the operations of the ACMA, are summarised below.

Sublime IP Pty Ltd and Australian Communications and Media Authority [2010] AATA 35

Sublime IP Pty Ltd (Sublime) commenced proceedings in the Administrative Appeals Tribunal (AAT) seeking review of a decision by the ACMA to give Sublime a final link-deletion notice under clause 62(1)(e) of Schedule 7 of the *Broadcasting Services Act 1992*. Sublime asserted that the notice was contrary to the freedom of political communication implied in the Constitution (Schedule 7 is expressed not to apply to the extent that it would infringe that freedom) and that, even if it was not contrary to this implied freedom, the ACMA should not have issued the notice to Sublime as it was not a links service provider.

Outcome: On 13 May 2010, the AAT affirmed the ACMA's decision to give the notice to Sublime.

Significance: The decision gives guidance on the interpretation of the meaning of a 'links service provider' and a 'link service' in the *Broadcasting Services Act 1992*.

Australian Communications and Media Authority v Radio 2UE Sydney Pty Ltd [2009] FCA 754

On 26 November 2008 the ACMA applied to the Federal Court for a civil penalty order under the *Broadcasting Services Act 1992* against Radio 2UE Sydney Pty Ltd (Radio 2UE) for failing to comply with a condition of its commercial radio broadcasting licence, namely compliance with the Broadcasting Services (Commercial Radio Current Affairs Disclosure) Standard 2000 (the Disclosure Standard). The Disclosure Standard required Radio 2UE to cause to be broadcast a disclosure announcement during the broadcast of the John Laws Morning Program whenever the name, products or services of a party with whom Mr Laws had a commercial agreement were mentioned on the presenter's radio show.

No such announcement was made on 13 separate occasions. The ACMA and Radio 2UE agreed that the breaches had occurred and made submissions to the Court on an agreed penalty.

Outcome: The Court considered that the contraventions were serious and should be marked with substantial pecuniary penalties. It considered that the agreed penalties were, with the exception of three breaches, manifestly inadequate and imposed penalties of varying amounts for each contravention totalling \$360,000.

Significance: These were the first proceedings brought by the ACMA seeking civil penalties for breach of the Disclosure Standard. The decision provides guidance on the discretionary factors which the Court will take into account in assessing civil penalties under the *Broadcasting Services Act 1992*.

Australian Communications and Media Authority v Mobilegate Ltd A Company Incorporated in Hong Kong and Ors (No 4) [2009] FCA 1225; (No 5) [2009] FCA 1507 and (No 6) [2009] FCA 1533

The ACMA commenced proceedings in the Federal Court under the *Spam Act 2003* and the *Trade Practice Act 1974* against eight respondents in relation to SMS messages sent to mobile phone numbers obtained from dating websites.

Outcome: Civil penalties in excess of \$22 million have been awarded against seven respondents. Judgement is yet to be handed down with respect to the remaining respondent.

Significance: This was the second case litigated under the *Spam Act* and the first case that dealt with SMS spam. The decision provides guidance on the discretionary factors which the Court will take into account in assessing civil penalties under the *Spam Act 2003*.

Appendix 13

Consultancies, advertising expenditure and competitive tendering

During 2009–10, 41 new consultancy arrangements were entered into involving total actual expenditure of \$1,501,588. In addition, five ongoing consultancy arrangements were active during 2009–10, involving total actual expenditure of \$248,585.

Information on expenditure on contracts and consultancies is also available on the AusTender website, at www.tenders.gov.au.

Table 56: Expenditure on consultancy contracts, 2007–08 to 2009–10

Year	New consultancies	Continued consultancies
2007–08	\$945,162	\$561,696
2008–09	\$453,652	\$531,735
2009–10	\$1,501,588	\$248,585

Table 57: Expenditure on media advertising organisations 2009–10

Organisation name	Purpose	Amount of payment*
Universal McCann	smartnumbers® awareness	\$87,862.50
Universal McCann	Do Not Call Register re-registration	\$210,294.63
Universal McCann	Cybersafety programs	\$52,735.10
Adcorp Australia Limited	Review of Commercial Radio Standards	\$33,889.41
Adcorp Australia Limited	Advertising for part-time Authority Members	\$54,217.53
Adcorp Australia Limited	Senior executive vacancies—SES Band 2	\$19,644.27
Adcorp Australia Limited	Senior executive vacancies—SES Band 1	\$22,781.55
Total		\$481,424.99

**In some instances, amounts paid include development of creative.*

Table 58: Expenditure on market research organisations 2009–10

Organisation name	Purpose	Amount of payment
TNS Social Research	Community research into billing and charging	\$56,465.20
IPSOS Australia	National radio content research	\$39,986.10
Roy Morgan Research	Telecommunications numbering research	\$31,211.30
Sensis Pty Ltd	Research into small and medium enterprises	\$30,000.00
GFK Blue Moon	Mobile payments research	\$82,630.00
Quantum Market Research	DNCR advertising focus group testing	\$23,544.40
IPSOS Australia	Australian mobile premium services users research	\$66,671.00
GFK Blue Moon	Effectiveness of the Cybersmart webpage for parents	\$19,998.00
DBM Consultants	Cybersafety brand awareness research	\$13,000.00
Taverner Research Company	Consumer attitudes and use of telecommunications services	\$138,028.00
Total		\$498,967.40

Advertising

During the year, the ACMA placed advertising for a range of purposes including public notices, and recruitment.

Expenditure by the ACMA on advertising in 2009–10 was \$0.735 million. The ACMA did not undertake any advertising campaigns during the year.

Competitive tendering

No contracts have been let that contract out delivery of government activities previously performed by a Commonwealth agency.

Access by Auditor-General

No contracts have been let that prevent access by the Auditor-General.

Exemptions from reporting of Commonwealth contracts

No exemptions have been sought or granted for the non-reporting of Commonwealth contracts on AusTender.

Appendix 14:

Outcome table

Outcome 1—A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice

	2009–10		
	Budget	Actual	Variance
	(1)	(2)	(2) minus (1)
	\$000s	\$000s	\$000s
Program 1.1—Communications regulation, planning and licensing			
Departmental items:			
Departmental appropriations	72,568	79,003	6,435
Revenues from independent sources	1,284	1,388	104
Special accounts:			
Non-appropriation receipts to special accounts	50	0	(50)
Non-appropriation receipts to special accounts	162,576	183,257	20,681
Subtotal for Program 1.1	236,478	263,648	27,170
Program 1.2—Consumer safeguards, education and information			
Departmental items:			
Departmental appropriations	35,655	29,220	(6,435)
Revenues from independent sources	200	514	314
Special appropriations:			
Special Appropriation Act—Telecommunications consumer codes	300	0	(300)
Subtotal for Program 1.2	36,155	29,734	(6,421)
Total for Outcome 1			
Departmental ¹	109,707	110,125	418
Administered ²	162,926	183,257	20,331
Average staffing level		591	

Notes:

1. Variance in departmental items

The individual departmental program variance is essentially due to the reclassification of program structure for certain activities.

2. Variance in administered items

The administered variance is primarily to civil pecuniary penalties awarded by the court relating to anti-spam matters.

Appendix 15:

Agency resource statement

	Actual available appropriations for 2009–10	Payments made 2009–10	Balance remaining
	(a)	(b)	(a-b)
Ordinary annual services			
Departmental appropriation			
Prior year departmental appropriation	12,149		12,149
Departmental appropriation	97,439	112,165	(14,726)
Departmental appropriation reduced (Appropriation Act s10)	(2,828)		(2,828)
Repayments to the Commonwealth (FMA Act section 30)	4,716	4,716	0
S31 relevant agency receipts	17,871		17,871
Total	129,347	116,881	12,466
Administered items			
Outcome	3,535	3,535	0
Appropriation lapsing			0
Total	3,535	3,535	0
Total ordinary annual services	132,882	120,416	12,466
Other services			
Departmental non-operating	27,194	16,558	10,636
Equity injections	9,887		9,887
Total	37,081	16,558	20,523

Special appropriations			
Special appropriations limited by amount			
<i>Telecommunication Act 1997- s 136C(4) reimbursement of costs of developing consumer- industry code</i>	600	250	350
Appropriation lapsing		350	(350)
Total special appropriations	600	600	0
Special accounts			
Opening balance	4,476		4,476
Non-appropriations receipts to special accounts	68,860		68,860
Repayments to the Commonwealth (FMA Act section 30)	6,738		6,738
Payments made		79,204	(79,204)
Total	80,074	79,204	870
Total resourcing and payments	250,637	216,778	33,859

Appendix 16:

Performance against PBS KPIs and deliverables 2009–10

This table sets out the key performance indicators and deliverables from ACMA's Portfolio Budget Statements 2009–10 and identifies the sections of the report that cover the agency's actual performance against these indicators and deliverables.

Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.

Program 1.1: Communications regulation, planning and licensing

Program 1.1 Key Performance Indicators

- > An effective regulatory environment that supports a dynamic communications sector and enables industry to meet the communications needs of the community.
- > Industry contributes to, and complies with, the regulatory framework without being subject to undue financial or administrative burden.
- > Levels of industry compliance with the regulatory framework as assessed by breaches and recurrent breaches of legislation, codes, standards and licence conditions.
- > The cost of ACMA's regulatory activities is minimised to the extent possible.
- > Efficient planning, allocation and use of national resources such as radiofrequency spectrum, telecommunications numbering and telecommunications infrastructure.

Program 1.1 Deliverables	Performance in 2009–10
Government revenue targets met in the collection of annual numbering charges.	See p. 68.
Applications for an opinion on control or temporary approval of a breach of the <i>Broadcasting Services Act 1992</i> (BSA) dealt with within applicable timeframes.	See p. 36.
Annual identification and publication of primary issues facing key radiocommunications services, and methods ACMA proposes to use to manage these issues.	See p. 44, publication of <i>Five-year Spectrum Outlook 2010–2014</i> .
The proportion of online content, Do Not Call Register and broadcasting code complaints dealt with within applicable timeframes:	
Telemarketing—50 per cent of complaints closed within seven days, 75 per cent within 14 days, 90 per cent within 21 days of receipt.	See p. 93.
Broadcasting code complaint investigations completed within six months.	See p. 101.
Evaluate digital transmission reception to assess whether digital television has the same coverage as current analog services.	See p. 40.
Greater marketplace contestability in frequency assignments.	See p. 54.
Increased proportion of spectrum licensed through class and spectrum licensing.	See pp. 47, 52, 53.
The proportion of licensing and numbering transaction applications dealt with within applicable timeframes:	
70 per cent of apparatus licence applications requiring frequency assignment within 70 days.	See p. 51.
100 per cent of apparatus licence applications not requiring frequency assignment within 14 days.	See p. 51.

100 per cent of community broadcasting renewal applications within 12 months, with 90 per cent of initial assessments within four months.	See p. 59.
100 per cent of geographic number allocations within 10 days.	See p. 62.
Submarine cable permits within 20 days (protection zone) or 180 days (non-protection zone).	See p. 81. No new submarine cable protection zones were considered during 2009–10.
Price-based allocations of spectrum completed within statutory timeframes:	
Price-based allocations of spectrum completed within two years of reallocation declaration and six months of the minister determining competitions rules.	No reallocation declarations made during the reporting period or currently in place.
Review community broadcasting licence allocation and renewal processes.	See p. 59.

Program 1.2: Consumer safeguards, education and information

Program 1.2 Key Performance Indicators

- > Effective community safeguards are implemented and maintained.
- > Research is undertaken, and stakeholders engaged, to maximise the extent to which information, standards and safeguards address the broad concerns of the community.
- > The community has access to sufficient information to enable it to make informed decisions about communications products and services.

Program 1.2 Deliverables

Performance in 2009–10

Online content, telemarketing, anti-spam and broadcasting code complaints dealt with within applicable timeframes:

Online content—90 per cent of online content based complaints completed within 20 days.	See p. 106.
Telemarketing—50 per cent of complaints closed within seven days.	See p. 93.
Anti-spam—90 per cent of spam-based complaints and enquiries actioned within eight days.	See p. 97.
Broadcasting code complaints investigations completed within six months.	See p. 101.
Reports on industry compliance with statutory consumer safeguards made available within required timeframes.	See pp. 131, 132, 133.
Develop educational and research initiatives to underpin cybersafety program.	See pp. 141–143.
Undertake consultation at regular intervals to receive information and advice on matters affecting consumers of communications services.	See p. 90. ACMA Consumer Consultative Forum (CCF) convened twice annually.
In cooperation with industry, undertake reviews of communications standards, codes and determinations within appropriate timeframes.	See pp. 74, 76, 88, 109, 111, 121, 126, 127.
Information programs delivered in order to raise awareness of rights, obligations and safety issues:	
Improving awareness of Triple Zero among children.	See p. 110.
Consumer awareness campaign for the Do Not Call Register.	See p. 134.
Cybersafety awareness and education activities.	See pp. 137–143.
Consumer awareness of cabling regulation.	See p. 79.
Information materials on the National Relay Service.	See pp. 132, 133.
Protections for users of mobile premium services.	See pp. 125, 143.
Risks and safety advice for users of online social networking sites.	See pp. 138, 144.
Raise awareness of Australia's spam legislation among consumers, businesses and the e-marketing industry through education programs and publications.	See pp. 97, 99.

Appendix 17:

Regulatory impact analysis compliance report

The Office of Best Practice Regulation (OBPR) manages and monitors regulatory impact analysis requirements and is required to report annually on regulatory impact compliance by Australian Government departments and agencies. To fulfil its responsibilities, the ACMA lodges six-monthly compliance reports with the OBPR.

In 2009–10, the ACMA has undertaken 50 preliminary assessments for regulations made or tabled in the reporting period. One Regulation Impact Statement has been prepared.

OBPR assessed ACMA as 100 per cent compliant with the Government's Regulatory Performance Indicators and fully compliant with its Best Practice Regulation requirements.

Appendix 18:

Compliance

index

Requirements for annual reports

Department of the Prime Minister and Cabinet

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	Where outcome and program structures differ from PB Statements/PAES or other portfolio statements accompanying any other additional appropriation bills (other portfolio statements), details of variation and reasons for change	n/a
	Portfolio structure	n/a
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	Actual performance in relation to deliverables and KPIs set out in PB Statements/PAES or other portfolio statements	224
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	Where performance targets differ from the PBS/ PAES, details of both former and new targets, and reasons for the change	n/a
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Assets management	Assessment of effectiveness of assets management	161
Purchasing	Assessment of purchasing against core policies and principles	161, 177
Consultants	The annual report must include a summary statement detailing the number of new consultancy services contracts let during the year; the total actual expenditure on all new consultancy contracts let during the year (inclusive of GST); the number of ongoing consultancy contracts that were active in the reporting year; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). The annual report must include a statement noting that information on contracts and consultancies is available through the AusTender website.	219, 220
	(Additional information as in Attachment D to be available on the internet or published as an appendix to the report. Information must be presented in accordance with the pro forma as set out in Attachment D.)	www.acma.gov.au
Australian National Audit Office Access Clauses	Absence of provisions in contracts allowing access by the Auditor-General	220
Exempt contracts	Contracts exempt from the AusTender	220

Commonwealth Disability Strategy	Report on performance in implementing the Commonwealth Disability Strategy	176
Financial statements	Financial statements	230
Other information		
	Occupational health and safety (section 74 of the <i>Occupational Health and Safety Act 1991</i>)	153
	Freedom of Information (subsection 8(1) of the <i>Freedom of Information Act 1982</i>)	212
	Advertising and Market Research (Section 311A of the <i>Commonwealth Electoral Act 1918</i>) and statement on advertising campaigns	219
	Ecologically sustainable development and environmental performance (Section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>)	161
Other	Grant programs	161
	Correction of material errors in previous annual report	59, 211

Compliance with *Australian Communications and Media Authority Act 2005*, Part 6, section 57, Annual report

Requirement	Page
A copy of each direction given to the ACMA under section 14 during the financial year	216
A copy, or extract, of each instrument given to a carrier of to a carriage service provider under section 581 of the <i>Telecommunications Act 1997</i> during the financial year	No instruments given under s.581 during the year
A report on the number and types of complaints made under Part 26 of the <i>Telecommunications Act 1997</i>	80, 90–93, 96–98, 126, 131
A report on the investigations conducted as a result of complaints made under Part 26	
The results of those investigations	
A report on the operation of Part 6 of the <i>Telecommunications Act 1997</i>	85–89
A report setting out statistical information relating to information or documents disclosed under Division 3 of Part 13 of the <i>Telecommunications Act 1997</i>	217

Compliance with the *Financial Management and Accountability Act 1997*

Requirement	Page
Chief Executive must give annual financial statements to the Auditor-General	231–233
Financial statements must be prepared in accordance with the Finance Minister's Orders and must give a true and fair view	231–233
Chief Executive must state whether, in his or her opinion, the financial statements give a true and fair view	231–233

Appendix 19:

Financial statements

Contents

- > Independent audit report
- > Statement by the Chief Executive and Chief Finance Officer
- > Income statement
- > Balance sheet
- > Statement of changes in equity
- > Cash flow statement
- > Schedule of commitments
- > Schedule of contingencies
- > Schedule of administered items
- > Notes



INDEPENDENT AUDITOR'S REPORT

To the Minister for Broadband, Communications and the Digital Economy

Scope

I have audited the accompanying financial statements of Australian Communications and Media Authority for the year ended 30 June 2010, which comprise: the Statement by the Chief Executive and Chief Finance Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; Schedule of Administered Items; and Notes to and forming part of the Financial Statements, including a Summary of Significant Accounting Policies.

The Responsibility of the Chief Executive for the Financial Statements

The Chief Executive is responsible for the preparation and fair presentation of the financial statements in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards (which include the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Australian Communications and Media Authority's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Australian Communications and Media Authority's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Australian Communications and

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Media Authority's Chief Executive, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Auditor's Opinion

In my opinion, the financial statements of the Australian Communications and Media Authority:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Australian Communications and Media Authority's financial position as at 30 June 2010 and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Rebecca Reilly
Executive Director

Delegate of the Auditor-General

Canberra
24 September 2010

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2010 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.



Chris Chapman
Chief Executive

24 September 2010



Derek Ambrose
Chief Finance Officer

24 September 2010

STATEMENT OF COMPREHENSIVE INCOME

for the period ended 30 June 2010

	Notes	2010 \$'000	2009 \$'000
EXPENSES			
Employee benefits	3A	62,570	57,334
Supplier expenses	3B	41,094	37,204
Depreciation and amortisation	3C	5,026	4,221
Finance costs	3D	-	7
Write-down and impairment of assets	3E	347	202
Losses from asset sales	3F	-	3
Total expenses		109,037	98,971
LESS:			
OWN-SOURCE INCOME			
Own-source revenue			
Sale of goods and rendering of services	4A	385	508
Other	4B	1,424	1,710
Total own-source revenue		1,809	2,218
Gains			
Sale of assets	4C	12	-
Other	4D	81	111
Total gains		93	111
Total own-source income		1,902	2,329
Net cost of services		107,135	96,642
Revenue from Government	4E	108,223	95,316
Surplus (Deficit) attributable to the Australian Government		1,088	(1,326)
OTHER COMPREHENSIVE INCOME			
Changes in asset revaluation reserves		1,075	(790)
Total other comprehensive income (loss)		1,075	(790)
Total comprehensive income (loss) attributable to the Australian Government		2,163	(2,116)

The above statement should be read in conjunction with the accompanying notes.

BALANCE SHEET*as at 30 June 2010*

	Notes	2010 \$'000	2009 \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	5A	866	903
Trade and other receivables	5B	34,526	38,759
Total financial assets		35,392	39,662
Non-Financial Assets			
Land and buildings	6A, C	10,938	10,600
Property, plant and equipment	6B, C	7,724	8,079
Intangibles	6D, E	9,154	4,986
Other	6F	1,826	1,642
Total non-financial assets		29,642	25,307
Total Assets		65,034	64,969
LIABILITIES			
Payables			
Suppliers	7A	8,440	9,757
Other	7B	2,254	2,224
Total payables		10,694	11,981
Provisions			
Employee provisions	8A	15,553	15,265
Other	8B	1,568	1,592
Total provisions		17,121	16,857
Total Liabilities		27,815	28,838
Net Assets		37,219	36,131
EQUITY			
Parent Entity Interest			
Contributed equity		28,622	27,216
Reserves		2,013	938
Retained surplus		6,584	7,977
Total parent entity interest		37,219	36,131
Total Equity		37,219	36,131

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF CHANGES IN EQUITY
for the period ended 30 June 2010

	Retained earnings		Asset revaluation reserve		Contributed equity/capital		Total equity	
	2010	2009	2010	2009	2010	2009	2010	2009
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Opening balance								
Balance carried forward from previous period	7,977	10,292	938	1,728	27,216	23,522	36,131	35,542
Adjusted opening balance	7,977	10,292	938	1,728	27,216	23,522	36,131	35,542
Comprehensive income								
Revaluation increment/(decrement) on non-financial assets - current year	-	-	1,422	(820)	-	-	1,422	(820)
Transfer of revaluation reserve on derecognised non-financial assets	347	-	(347)	30	-	-	-	30
Surplus (Deficit) for the period	1,088	(1,326)	-	-	-	-	1,088	(1,326)
Total comprehensive income	1,435	(1,326)	1,075	(790)	-	-	2,510	(2,116)
of which:								
Attributable to the Australian Government	1,435	(1,326)	1,075	(790)	-	-	2,510	(2,116)
Transactions with owners								
Returns of capital:								
Return of Appropriations	(2,828)	(989)	-	-	-	-	(2,828)	(989)
Contributions by owners								
Appropriation (equity injection)	-	-	-	-	1,406	3,694	1,406	3,694
Sub-total transactions with owners	(2,828)	(989)	-	-	1,406	3,694	(1,422)	2,705
Closing balance at 30 June attributable to the Australian Government	6,584	7,977	2,013	938	28,622	27,216	37,219	36,131

The above statement should be read in conjunction with the accompanying notes.

CASH FLOW STATEMENT

for the period ended 30 June 2010

	Notes	2010 \$'000	2009 \$'000
OPERATING ACTIVITIES			
Cash received			
Goods and services		628	214
Appropriations		105,603	91,130
Net GST received		4,573	3,989
Other		1,453	1,814
Total cash received		112,257	97,147
Cash used			
Employees		62,830	56,573
Suppliers		46,623	40,030
Total cash used		109,453	96,603
Net cash from operating activities	9	2,804	544
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment		29	2
Total cash received		29	2
Cash used			
Purchase of property, plant and equipment		2,244	5,841
Purchase of intangibles		5,875	2,186
Total cash used		8,119	8,027
Net cash used by investing activities		(8,090)	(8,025)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		5,249	4,577
Total cash received		5,249	4,577
Cash used			
Other Cash Used		-	249
Total cash used		-	249
Net cash from financing activities		5,249	4,328
Net decrease in cash held		(37)	(3,153)
Cash and cash equivalents at the beginning of the reporting period		903	4,056
Cash and cash equivalents at the end of the reporting period	5A	866	903

The above statement should be read in conjunction with the accompanying notes.

SCHEDULE OF COMMITMENTS

as at 30 June 2010

	2010 \$'000	2009 \$'000
BY TYPE		
Commitments receivable		
Sublease rental income	14	46
GST recoverable on commitments	3,531	4,441
Total commitments receivable	3,545	4,487
Commitments payable		
Other commitments		
Operating leases ¹	18,906	26,703
Suppliers	19,942	22,155
Total other commitments	38,848	48,858
Net commitments by type	35,303	44,371
BY MATURITY		
Commitments receivable		
Operating lease income		
One year or less	14	32
From one to five years	-	14
Total operating lease income	14	46
Other commitments receivable		
One year or less	1,756	1,628
From one to five years	1,775	2,813
Total other commitments receivable	3,531	4,441
Commitments payable		
Operating lease commitments¹		
One year or less	7,390	8,192
From one to five years	11,484	18,417
Over five years	32	94
Total operating lease commitments	18,906	26,703
Supplier Commitments		
One year or less	11,927	9,711
From one to five years	8,015	12,444
Total other commitments	19,942	22,155
Net commitments by maturity	35,303	44,371

NB: Commitments are GST inclusive where relevant.

SCHEDULE OF COMMITMENTS

as at 30 June 2010

¹Operating leases are effectively non-cancellable and comprise:

General description of leasing arrangement	
Leases for office accommodation	Office lease payments are subject to annual increases in accordance with upward movements of the Consumer Price Index or increased by a fixed rate. All office accommodation leases are current or in the process of being executed by the Lessor. A number of leases allow for extensions, the longest option providing for two five year extensions at the Authority's discretion. On renewal, each lease allows for a market review to set the new rental base.
Agreements for the provision of motor vehicles - senior executives officers	No contingent rentals exist. There are no renewal or purchase options available to the Authority.

This schedule should be read in conjunction with the accompanying notes.

SCHEDULE OF CONTINGENCIES*as at 30 June 2010*

	2010 \$'000	2009 \$'000
Contingent assets		
Claims for damages or costs	<u>250</u>	-
Total contingent assets	<u>250</u>	-
Contingent liabilities		
Claims for damages or costs	<u>75</u>	-
Total contingent liabilities	<u>75</u>	-
Net contingent assets	<u>175</u>	-

Details of each class of contingent liabilities and contingent assets listed above are disclosed in Note 10: Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.

The above schedule should be read in conjunction with the accompanying notes.

SCHEDULE OF ASSET ADDITIONS

for the period ended 30 June 2010

The following non-financial non-current assets were added in 2009-10:

	Buildings	Other property, plant & equipment	Intangibles	Total
	\$'000	\$'000	\$'000	\$'000
By purchase - appropriation equity	412	652	7,054	8,118
By finance lease	-	-	-	-
Total additions	412	652	7,054	8,118

The following non-financial non-current assets were added in 2008-09:

	Buildings	Other property, plant & equipment	Intangibles	Total
	\$'000	\$'000	\$'000	\$'000
By purchase - appropriation equity	186	5,217	3,121	8,524
By finance lease	-	558	-	558
Total additions	186	5,775	3,121	9,082

SCHEDULE OF ADMINISTERED ITEMS			
	Notes	2010 \$'000	2009 \$'000
Income administered on behalf of Government <i>for the period ended 30 June 2010</i>			
Revenue			
Taxation revenue			
Other taxes	15A	455,321	551,224
Total taxation revenue		<u>455,321</u>	<u>551,224</u>
Non-taxation revenue			
Sale of goods and rendering of services	15B	2,611	2,410
Fees and fines	15C	65,607	39,668
Other	15D	161,035	160,652
Total non-taxation revenue		<u>229,253</u>	<u>202,730</u>
Total revenues administered on behalf of Government		<u>684,574</u>	<u>753,954</u>
Gains			
Sale of assets	15E	3,109	3,188
Reversal of previous asset write-downs and impairments	15F	-	31
Total gains administered on behalf of Government		<u>3,109</u>	<u>3,219</u>
Total income administered on behalf of Government		<u>687,683</u>	<u>757,173</u>
Expenses administered on behalf of Government <i>for the period ended 30 June 2010</i>			
Expenses			
Suppliers expenses	16A	-	252
Subsidies	16B	160,622	160,187
Write-down and impairment of assets	16C	22,635	-
Total expenses administered on behalf of Government		<u>183,257</u>	<u>160,439</u>
Assets administered on behalf of Government <i>as at 30 June 2010</i>			
Financial assets			
Cash and cash equivalents	17A	894	5,089
Taxation receivables	17B	328,444	313,867
Receivables	17C	27,275	36,162
Other	17D	26	409
Total financial assets		<u>356,639</u>	<u>355,527</u>
Total assets administered on behalf of Government		<u>356,639</u>	<u>355,527</u>
Liabilities administered on behalf of Government <i>as at 30 June 2010</i>			
Payables			
Subsidies	18A	-	3,860
Other	18B	2,950	2,794
Total payables		<u>2,950</u>	<u>6,654</u>
Total liabilities administered on behalf of Government		<u>2,950</u>	<u>6,654</u>
This schedule should be read in conjunction with the accompanying notes.			

SCHEDULE OF ADMINISTERED ITEMS			
	Notes	2010 \$'000	2009 \$'000
Administered Cash Flows			
<i>for the period ended 30 June 2010</i>			
OPERATING ACTIVITIES			
Cash received			
Sales of goods and rendering of services		3,068	3,015
Taxes		445,431	525,152
Fees		51,360	40,244
Fines		2,470	256
Net GST received		6,412	6,290
Levies and other receipts		68,051	67,029
Total cash received		576,792	641,986
Cash used			
Subsidies paid		(79,236)	(77,636)
Suppliers		(252)	(112)
Other		(4,795)	(6,916)
Total cash used		(84,283)	(84,664)
Net cash flows from operating activities		492,509	557,322
INVESTING ACTIVITIES			
Cash Received			
Proceeds from sale of intangibles		2,907	3,308
Total cash received		2,907	3,308
Net cash flows from investing activities		2,907	3,308
Net increase in cash held		495,416	560,630
Cash and cash equivalents at the beginning of the reporting period		5,089	7,366
Cash from Official Public Account for:			
- Appropriations		10,549	9,016
Total Cash from Official Public Account		10,549	9,016
Cash to Official Public Account for:			
- Appropriations		(510,160)	(571,923)
Total Cash to Official Public Account		(510,160)	(571,923)
Cash and cash equivalents at the end of the reporting period	17A	894	5,089
This schedule should be read in conjunction with the accompanying notes.			

SCHEDULE OF ADMINISTERED ITEMS

	2010 \$'000	2009 \$'000
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Administered Commitments as at 30 June 2010

The ACMA has no administered commitments as at 30 June 2010 and had no administered commitments as at 30 June 2009.

Administered Contingencies as at 30 June 2010

Administered contingent assets

Civil penalty		1,000	-
Total administered contingent assets		1,000	-
Net administered contingent assets	20	1,000	-

Details of each class of contingent liabilities and contingent assets in the above table are disclosed in Note 20: Administered Contingent Assets and Liabilities, along with information on significant remote contingencies and contingencies that cannot be quantified.

The above schedule should be read in conjunction with the accompanying notes.

Notes To and Forming Part of the Financial Statements

Note 1: Summary of Significant Accounting Policies
Note 2: Events After the Reporting Period
Note 3: Expenses
Note 4: Income
Note 5: Financial Assets
Note 6: Non-Financial Assets
Note 7: Payables
Note 8: Provisions
Note 9: Cash Flow Reconciliation
Note 10: Contingent Assets and Liabilities
Note 11: Senior Executive Remuneration
Note 12: Member Remuneration
Note 13: Remuneration of Auditors
Note 14: Financial Instruments
Note 15: Income Administered on Behalf of Government
Note 16: Expenses Administered on Behalf of Government
Note 17: Assets Administered on Behalf of Government
Note 18: Liabilities Administered on Behalf of Government
Note 19: Administered Reconciliation Table
Note 20: Administered Contingent Assets and Liabilities
Note 21: Administered Financial Instruments
Note 22: Appropriations
Note 23: Special Accounts
Note 24: Compensation and Debt Relief
Note 25: Reporting of Outcomes

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of The Australian Communications and Media Authority

The Australian Communications and Media Authority (ACMA) is an Australian Government controlled entity. The objective of ACMA is to enable a communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice.

From 2009-10, all general government sector entities report on a program basis. The ACMA has consolidated its outcomes and outputs in 2008-09 to one outcome with two programs. The following table shows the transition from the 2008-09 outcomes and outputs to the 2009-10 outcome and programs:

2008-09	2009-10
Outcome 1: ACMA will provide a regulatory environment that supports an efficient communications sector	Outcome 1: A communications and media environment that balances the needs of the industry and the Australian community through regulation, education and advice
Output Group 1.1: Effective regulation of the communications industry	Program 1.1: Communications regulation, planning and licensing
Output Group 1.2: Planning and licensing of communications services	
Outcome 2: ACMA will contribute to meeting the communications products and services needs of the Australian community by enabling an effective information, standards and safeguards regime	
Output Group 2.1: Ensuring the provision of community standards and safeguards which reflect broad community expectations	Program 1.2: Consumer safeguards, education and information
Output Group 2.2: Facilitating sufficient community information to enable informed decisions about communications products and services	

The continued existence of the ACMA in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the ACMA's administration and programs.

The ACMA's activities contributing toward these outcomes are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the ACMA in its own right. Administered activities involve the management or oversight by the ACMA, on behalf of the Government, of items controlled or incurred by the Government.

Note 1: Summary of Significant Accounting Policies

1.2 Basis of Preparation of the Financial Statements

The financial statements are required by section 49 of the *Financial Management and Accountability Act 1997* and are general purpose financial statements.

The Financial Statements have been prepared in accordance with:

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2009; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMOs, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the entity or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under agreements equally proportionately unperformed are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

Administered revenues, expenses, assets and liabilities and cash flows reported in the Schedule of Administered Items and related notes are accounted for on the same basis and using the same policies as for departmental items, except where otherwise stated at Note 1.18.

1.3 Significant Accounting Judgements and Estimates

In the process of applying the accounting policies listed in this note, The ACMA has made the following judgements that have the most significant impact on the amounts recorded in the financial statements:

- The fair value of land and buildings has been taken to be the market value of similar properties as determined by an independent valuer. In some instances, ACMA's buildings are purpose-built and may in fact realise less in the market.

No accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard. No new standards, revised standards or interpretations that were issued prior to the signing of the statement by the chief executive and chief financial officer and were applicable to the current reporting period had a financial impact on the entity.

Future Australian Accounting Standard Requirements

No new standards, revised standards and interpretations that were issued by the Australian Accounting Standards Board prior to the signing of the statement by the chief executive and chief financial officer is expected to have a financial impact on the entity for future reporting periods.

Note 1: Summary of Significant Accounting Policies

1.5 Revenue

Revenue from Government

Amounts appropriated for departmental outcomes for the year (adjusted for any formal additions and reductions) are recognised as revenue when the ACMA gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

Resources Received Free of Charge

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Other Types of Revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the ACMA retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the entity.

The stage of completion of contracts at the reporting date is determined by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances are made when collectability of the debt is no longer probable.

Interest revenue is recognised using the effective interest method as set out in AASB 139 Financial Instruments: Recognition and Measurement.

1.6 Gains

Resources Received Free of Charge

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Resources received free of charge are recorded as either revenue or gains depending on their nature.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government agency or authority as a consequence of a restructuring of administrative arrangements (Refer to Note 1.7).

Sale of Assets

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

Note 1: Summary of Significant Accounting Policies

1.7 Transactions with the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) are recognised directly in contributed equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Australian Government agency or authority under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

Other Distributions to Owners

The FMO require that distributions to owners be debited to contributed equity unless in the nature of a dividend. In 2009-10, by agreement with the Department of Finance and Deregulation, the ACMA relinquished control of surplus output appropriation funding of \$2,828,000 which was returned to the Official Public Account. On 13 May 2010, the Finance Minister issued a determination to reduce Departmental Output Appropriation by \$2,828,000. (2009: \$989,000)

1.8 Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits due within twelve months of end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the ACMA is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the ACMA's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the short hand method prescribed by the Department of Finance and Deregulation's Finance Brief 13 Measurement of Commonwealth Sector Employee Leave Entitlements. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The ACMA recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Note 1: Summary of Significant Accounting Policies

Superannuation

The majority of staff of the ACMA are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The ACMA makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the ACMA's employees. The ACMA accounts for the contributions as if they were contributions to defined contribution plans.

The ACMA makes contributions to other approved superannuation funds nominated by employees who have exercised their right to choose other funds. The contributions are made at a fixed rate to defined contribution schemes.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

1.9 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

1.10 Cash

Cash and cash equivalents includes cash on hand, cash held with outsiders, demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount.

Note 1: Summary of Significant Accounting Policies

1.11 Financial Assets

The only category of financial assets held by the ACMA is "loans and receivables".

Financial assets are recognised and derecognised upon trade date.

Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at amortised cost using the effective interest method less impairment. Interest is recognised by applying the effective interest rate.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

- *Financial assets held at amortised cost* - if there is objective evidence that an impairment loss has been incurred for loans and receivables or held to maturity investments held at amortised cost, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognised in the statement of comprehensive income.

1.12 Financial Liabilities

All financial liabilities in the ACMA are classified as other financial liabilities.

Financial liabilities are recognised and derecognised upon trade date.

Other Financial Liabilities

Other financial liabilities are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.13 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.14 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

Note 1: Summary of Significant Accounting Policies

1.15 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than the applicable threshold, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total). The asset thresholds have not been changed during the current financial year.

Asset Class	Threshold
Buildings	\$50,000
Leasehold improvements	\$50,000
Plant and equipment	\$5,000
Motor vehicles	\$20,000
Software - purchased	\$50,000
Software - internally developed	\$50,000

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the ACMA where there exists an obligation to restore the property to its original condition. These costs are included in the value of the ACMA's leasehold improvements with a corresponding provision for the 'make good' recognised.

Revaluations

Fair values for each class of asset are determined as shown below, and have not changed during the current financial year:

Asset Class	Fair Value Measured at
Land	Market selling price
Building	Market selling price
Leasehold Improvements	Market selling price or depreciated replacement cost
Plant & Equipment	Market selling price or depreciated replacement cost
Motor Vehicles	Market selling price or depreciated replacement cost

Following initial recognition at cost, property plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Note 1: Summary of Significant Accounting Policies

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the ACMA using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives, which are the same as last year:

Asset Class	Useful Life
Buildings	5 to 40 years
Leasehold Improvements	Lease term
Plant & Equipment	3 to 15 years
Motor vehicles	5 to 10 years

Land has indefinite useful life and is not depreciated.

Impairment

All assets were assessed for impairment at 30 June 2010. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if The ACMA were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

1.16 Intangibles

The ACMA's intangibles comprise internally developed and purchased software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the ACMA's software are 3 to 10 years (2008-09: 3 to 10 years).

All software assets were assessed for indications of impairment as at 30 June 2010.

1.17 Taxation / Competitive Neutrality

The ACMA is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

Competitive Neutrality

The ACMA does not provide any services on a for profit basis and does not have any Competitive Neutrality obligations.

Note 1: Summary of Significant Accounting Policies

1.18 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the schedule of administered items and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the ACMA for use by the Government rather than the ACMA is administered revenue. Collections are transferred to the Official Public Account maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the ACMA on behalf of the Government and reported as such in the statement of cash flows in the schedule of administered items and in the administered reconciliation table in Note 19. Thus the Schedule of Administered Items largely reflects the Government's transactions, through the ACMA, with parties outside the Government.

Revenue

All administered revenues are revenues relating to the course of ordinary activities performed by the ACMA on behalf of the Australian Government.

Contributions from industries in the form of taxes, industry levies and fines are recognised as revenue when, and only when:

- 1) The economic activity giving rise to the Government's right to the contribution has taken place; and
- 2) The liability to contribution can be reliably measured.

Loans and Receivables

Where loans and receivables are not subject to concessional treatment, they are carried at amortised cost using the effective interest method. Gains and losses due to impairment, derecognition and amortisation are recognised through profit or loss.

Subsidies

The ACMA administers the Universal Service Obligation and National Relay Service subsidy schemes on behalf of the Government.

Subsidy liabilities are recognised to the extent that (i) the services required to be performed by the grantee have been performed or (ii) the grant eligibility criteria have been satisfied, but payments due have not been made.

Note 2: Events After the Reporting Period

No event has occurred after the balance date that should be disclosed in these statements.

Note 3: Expenses

	2010 \$'000	2009 \$'000
Note 3A: Employee Benefits		
Wages and salaries	45,137	39,684
Superannuation:		
Defined contribution plans	2,942	2,047
Defined benefit plans	5,967	5,582
Leave and other entitlements	7,772	8,651
Separation and redundancies	752	1,370
Total employee benefits	62,570	57,334
Note 3B: Suppliers		
Goods and services		
Consultants	3,975	3,639
Contractors	6,275	5,044
Outsourced services	4,988	4,384
Stationery and publications	1,496	528
Legal costs	1,009	1,671
Occupancy costs	2,429	2,500
I.T. and communications services	6,259	5,887
Travel costs	3,589	3,101
Other	4,906	4,338
Total goods and services	34,926	31,092
Goods and services are made up of:		
Provision of goods – related entities	5	4
Provision of goods – external parties	1,184	656
Rendering of services – related entities	1,295	2,003
Rendering of services – external parties	32,442	28,429
Total goods and services	34,926	31,092
Other supplier expenses		
Operating lease rentals – external parties:		
Minimum lease payments	5,589	5,770
Workers compensation expenses	579	342
Total other supplier expenses	6,168	6,112
Total supplier expenses	41,094	37,204
Note 3C: Depreciation and Amortisation		
Depreciation:		
Buildings and leasehold improvements	1,084	1,140
Property, plant and equipment	2,243	1,208
Total depreciation	3,327	2,348
Amortisation:		
Assets held under finance leases	-	223
Intangibles:		
Computer software	1,699	1,650
Total amortisation	1,699	1,873
Total depreciation and amortisation	5,026	4,221

Note 3: Expenses

	2010 \$'000	2009 \$'000
Note 3D: Finance Costs		
Finance leases	-	7
Total finance costs	-	7
Note 3E: Write-Down and Impairment of Assets		
Asset write-downs and impairments from:		
Impairment on financial instruments	3	137
Impairment of property, plant and equipment	333	32
Impairment on intangible assets	7	2
Revaluation decrement - Infrastructure, plant and equipment	4	31
Total write-down and impairment of assets	347	202
Note 3F: Losses from Asset Sales		
Property, plant and equipment:		
Proceeds from sale	-	2
Carrying value of assets sold	-	5
Total losses from asset sales	-	3

Note 4: Income

	2010 \$'000	2009 \$'000
REVENUE		
<i>Note 4A: Sale of Goods and Rendering of Services</i>		
Provision of goods - related entities	118	116
Provision of goods - external parties	176	286
Rendering of services - related entities	89	90
Rendering of services - external parties	2	16
Total sale of goods and rendering of services	385	508
<i>Note 4B: Other Revenue</i>		
Number allocation charges	1,204	1,303
Other	220	407
Total other revenue	1,424	1,710
GAINS		
<i>Note 4C: Sale of Assets</i>		
Property, plant and equipment:		
Proceeds from sale	29	-
Carrying value of assets sold	(17)	-
Net gain from sale of assets	12	-
<i>Note 4D: Other Gains</i>		
Resources received free of charge	81	81
Reversal of provision for restoration obligations	-	30
Total other gains	81	111
REVENUE FROM GOVERNMENT		
<i>Note 4E: Revenue from Government</i>		
Appropriations:		
Departmental outputs	108,223	95,316
Total revenue from Government	108,223	95,316

Note 5: Financial Assets

	2010 \$'000	2009 \$'000
Note 5A: Cash and Cash Equivalents		
Cash on hand or on deposit	866	903
Total cash and cash equivalents	866	903
Note 5B: Trade and Other Receivables		
Good and Services:		
Goods and services - related entities	265	138
Goods and services - external parties	82	249
Total receivables for goods and services	347	387
Appropriations receivable:		
For existing outputs	24,508	34,737
For additional outputs	8,481	2,303
Total appropriations receivable	32,989	37,040
Other receivables:		
GST receivable from the Australian Taxation Office	686	585
Other	555	805
Total other receivables	1,241	1,390
Total trade and other receivables (gross)	34,577	38,817
Less impairment allowance account:		
Goods and services	51	58
Total impairment allowance account	51	58
Total trade and other receivables (net)	34,526	38,759
Receivables are expected to be recovered in:		
No more than 12 months	34,526	38,759
More than 12 months	-	-
Total trade and other receivables (net)	34,526	38,759
Receivables are aged as follows:		
Not overdue	34,230	38,755
Overdue by:		
0 to 30 days	82	3
31 to 60 days	211	1
61 to 90 days	3	1
More than 90 days	51	57
Total receivables (gross)	34,577	38,817
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	1
More than 90 days	51	57
Total impairment allowance account	51	58

Note 5: Financial Assets**Reconciliation of the Impairment Allowance Account:****Movements in relation to 2010**

	Goods and services \$'000	Total \$'000
Opening balance	58	58
Increase/ (decrease) recognised in net surplus	(7)	(7)
Closing balance	51	51

Movements in relation to 2009

	Goods and services \$'000	Total \$'000
Opening balance	50	50
Increase/ (decrease) recognised in net surplus	8	8
Closing balance	58	58

Note 6: Non-Financial Assets

	2010 \$'000	2009 \$'000
Note 6A: Land and Buildings		
Land at fair value	7,790	7,740
Buildings on freehold land:		
Fair value	274	210
Accumulated depreciation	-	(16)
Total buildings on freehold land	<u>274</u>	<u>194</u>
Leasehold improvements:		
Fair value	4,052	5,269
Accumulated depreciation	(1,178)	(2,603)
Total leasehold improvements	<u>2,874</u>	<u>2,666</u>
Total land and buildings	<u>10,938</u>	<u>10,600</u>

No indicators of impairment were found for land and buildings.

No land or buildings are expected to be sold or disposed of within the next 12 months.

Note 6B: Property, Plant and Equipment

Property, plant and equipment:		
Fair value	7,888	9,837
Accumulated depreciation	(164)	(1,758)
Total Property, plant and equipment	<u>7,724</u>	<u>8,079</u>

All revaluations were conducted by independent valuers in April and May 2010 in accordance with the revaluation policy stated at Note 1.

Revaluation increment of \$50,000 for land (2009: decrement of \$820,000) and increments of \$89,042 for buildings on freehold land (2009: nil), increment of \$871,781 for leasehold improvements (2009: nil) and increment of \$411,140 for plant and equipment were credited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet; decrement of \$3,766 for plant and equipment was expensed (2009: nil).

No indicators of impairment were found for property, plant and equipment.

No property, plant or equipment is expected to be sold or disposed of within the next 12 months.

Note 6: Non-Financial Assets
Note 6C: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2009-10)

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Property, plant & equipment \$'000	Total \$'000
As at 1 July 2009					
Gross book value	7,740	5,479	13,219	9,837	23,056
Accumulated depreciation and impairment	-	(2,619)	(2,619)	(1,758)	(4,377)
Net book value 1 July 2009	7,740	2,860	10,600	8,079	18,679
Additions:					
By purchase	-	412	412	652	1,064
Revaluations and impairments recognised in other comprehensive income	50	961	1,011	411	1,422
Revaluations recognised in the operating result	-	-	-	(4)	(4)
Impairments recognised in the operating result	-	-	-	(333)	(333)
Depreciation expense	-	(1,084)	(1,084)	(2,243)	(3,327)
Reclassifications	-	-	-	1,179	1,179
Other movements (rounding)	-	(1)	(1)	-	(1)
Disposals:					
Other disposals	-	-	-	(17)	(17)
Net book value 30 June 2010	7,790	3,148	10,938	7,724	18,662
Net book value as of 30 June 2010 represented by:					
Gross book value	7,790	4,326	12,116	7,888	20,004
Accumulated depreciation	-	(1,178)	(1,178)	(164)	(1,342)
	7,790	3,148	10,938	7,724	18,662

Note 6C (Cont'd): Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment (2008-09)

	Land \$'000	Buildings \$'000	Total land and buildings \$'000	Property, plant & equipment \$'000	Total \$'000
As at 1 July 2008					
Gross book value	8,560	5,921	14,481	6,084	20,565
Accumulated depreciation and impairment	-	(1,652)	(1,652)	(2,677)	(4,329)
Net book value 1 July 2008	8,560	4,269	12,829	3,407	16,236
Additions:					
By purchase	-	186	186	5,217	5,403
By finance lease	-	-	-	558	558
Revaluations and impairments recognised in other comprehensive income	(820)	-	(820)	-	(820)
Depreciation expense	-	(1,140)	(1,140)	(1,432)	(2,572)
Reclassifications	-	82	82	789	871
Disposals:					
Other disposals	-	(537)	(537)	(460)	(997)
Net book value 30 June 2009	7,740	2,860	10,600	8,079	18,679
Net book value as of 30 June 2009 represented by:					
Gross book value	7,740	5,479	13,219	9,837	23,056
Accumulated depreciation	-	(2,619)	(2,619)	(1,758)	(4,377)
	7,740	2,860	10,600	8,079	18,679

Note 6: Non-Financial Assets

	2010 \$'000	2009 \$'000
Note 6D: Intangibles		
Computer software:		
Internally developed – in progress	3,900	1,937
Internally developed – in use	7,106	4,596
Purchased	15,247	13,911
Total computer software (gross)	26,253	20,444
Accumulated amortisation	(17,099)	(15,458)
Total computer software (net)	9,154	4,986
Total intangibles	9,154	4,986

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

Note 6: Non-Financial Assets

Note 6E: Reconciliation of the Opening and Closing Balances of Intangibles (2009-10)

	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2009			
Gross book value	15,848	4,596	20,444
Accumulated amortisation and impairment	(11,829)	(3,629)	(15,458)
Net book value 1 July 2009	4,019	967	4,986
Additions:			
By purchase	-	2,547	2,547
Internally developed	4,507	-	4,507
Impairments recognised in the operating result	-	(7)	(7)
Amortisation	(1,009)	(690)	(1,699)
Reclassifications	(1,208)	29	(1,179)
Other movements (rounding)		(1)	(1)
Disposals:			
Other disposals	-	-	-
Net book value 30 June 2010	6,309	2,845	9,154
Net book value as of 30 June 2010 represented by:			
Gross book value	19,147	7,106	26,253
Accumulated amortisation	(12,838)	(4,261)	(17,099)
	6,309	2,845	9,154

Note 6E (Cont'd): Reconciliation of the Opening and Closing Balances of Intangibles (2008-09)

	Computer software internally developed \$'000	Computer software purchased \$'000	Total \$'000
As at 1 July 2008			
Gross book value	14,163	4,237	18,400
Accumulated amortisation and impairment	(10,577)	(3,372)	(13,949)
Net book value 1 July 2009	3,586	865	4,451
Additions:			
By purchase	-	538	538
Internally developed	2,583	-	2,583
Revaluations and impairments recognised in other comprehensive income	-	-	-
Amortisation	(1,252)	(398)	(1,650)
Reclassifications	(898)	27	(871)
Disposals:			
Other disposals	-	(65)	(65)
Net book value 30 June 2009	4,019	967	4,986
Net book value as of 30 June 2010 represented by:			
Gross book value	15,848	4,596	20,444
Accumulated amortisation	(11,829)	(3,629)	(15,458)
	4,019	967	4,986

Note 6: Non-Financial Assets

	2010 \$'000	2009 \$'000
Note 6F: Other Non-Financial Assets		
Prepaid expenses	1,826	1,642
Total other non-financial assets	<u>1,826</u>	<u>1,642</u>
No indicators of impairment were found for other non-financial assets.		
Total other non-financial assets - are expected to be recovered in:		
No more than 12 months	1,826	1,642
Total other non-financial assets	<u>1,826</u>	<u>1,642</u>

Note 7: Payables

	2010 \$'000	2009 \$'000
Note 7A: Suppliers		
Trade creditors and accruals	7,008	7,787
Operating lease rentals	1,432	1,970
Total supplier payables	8,440	9,757
Supplier payables expected to be settled within 12 months:		
External parties	7,266	8,173
Total	7,266	8,173
Supplier payables expected to be settled in greater than 12 months:		
External parties	1,174	1,584
Total	1,174	1,584
Total supplier payables	8,440	9,757
Settlement is usually made within 30 days.		
Note 7B: Other Payables		
Salaries and wages	1,795	1,486
Superannuation	173	127
Separations and redundancies	276	600
Other	10	11
Total other payables	2,254	2,224
Other payables are expected to be settled in:		
No more than 12 months	2254	2224
Total other payables	2254	2224

Note 8: Provisions

	2010 \$'000	2009 \$'000
Note 8A: Employee Provisions		
Leave	15,553	15,265
Total employee provisions	15,553	15,265

Employee provisions are expected to be settled in:

No more than 12 months	12,839	12,888
More than 12 months	2,714	2,377
Total employee provisions	15,553	15,265

Note 8B: Other Provisions

Provision for restoration obligations	1,568	1,592
Total other provisions	1,568	1,592

Other provisions are expected to be settled in:

More than 12 months	1,568	1,592
Total other provisions	1,568	1,592

Reconciliation of the Other Provisions Account:

	Provision for restoration \$'000	Total \$'000
Carrying amount 1 July 2009	1,592	1,592
Amounts used	(49)	(49)
Revaluation of restoration obligation	25	25
Closing balance 30 June 2010	1,568	1,568

The ACMA currently has 6 (2009 : 8) agreements for the leasing of premises which have provisions requiring the ACMA to restore the premises to their original condition at the conclusion of the lease. The ACMA revalues the restoration obligation each year using the market value of the obligation at reporting date.

Note 9: Cash Flow Reconciliation

	2010 \$'000	2009 \$'000
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalents as per:		
Cash flow statement	866	903
Balance sheet	866	903
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(107,135)	(96,642)
Add revenue from Government	108,223	95,316
Adjustments for non-cash items		
Depreciation and amortisation	5,026	4,222
Net write down of non-financial assets	344	35
(Gain) loss on disposal of assets	(12)	3
Finance interest charges	-	7
Changes in assets / liabilities		
Increase in net receivables	(2,437)	(4,531)
Increase in prepayments	(183)	(647)
(Decrease) increase in supplier payables	(1,317)	2,140
Increase (decrease) in other payable	31	(907)
Increase in employee provisions	288	1,615
Decrease in other provisions	(24)	(67)
Net cash from operating activities	2,804	544

Note 10: Contingent Assets and Liabilities

	Claims for damages or costs		Total	
	2010	2009	2010	2009
	\$'000	\$'000	\$'000	\$'000
Contingent assets				
Balance from previous period	-	-	-	-
New	250	-	250	-
Total contingent assets	250	-	250	-
Contingent liabilities				
Balance from previous period	-	-	-	-
New	75	-	75	-
Total contingent liabilities	75	-	75	-
Net contingent assets	175	-	175	-

Quantifiable Contingencies

The Schedule of Contingencies reports contingent assets in respect of claims for damages or cost of \$250,000 (2009: nil). The ACMA is expecting to succeed in claims against the respondent. The estimate is based on precedence in such cases.

The Schedule also reports contingent liabilities in respect of claims for damages or cost of \$75,000 (2009: nil). The amount represents an estimate of the ACMA's liability based on continuing negotiations with the claimant.

Unquantifiable Contingencies

At 30 June 2010, the ACMA is involved in a number of legal proceedings, mostly of an administrative law nature, although some involved civil proceedings or prosecutions actioned by the ACMA. It is not possible to estimate the amounts of any eventual payments that may be required in relation to these claims.

Significant Remote Contingencies

The ACMA has no remote contingencies as at 30 June 2010 (2009: nil).

Note 11: Senior Executive Remuneration

Note 11A: Actual Remuneration Paid to Senior Executives

Executive Remuneration

	2010	2009
The number of senior executives who received:		
less than \$145,000	2	-
\$145,000 to \$159,999	-	1
\$160,000 to \$174,999	1	-
\$190,000 to \$204,999	2	1
\$205,000 to \$219,999	4	4
\$220,000 to \$234,999	6	8
\$235,000 to \$249,999	2	1
\$250,000 to \$264,999	1	-
\$265,000 to \$279,999	2	1
\$280,000 to \$294,999	2	2
Total	22	18

Total expense recognised in relation to Senior Executive employment

	\$	\$
Short-term employee benefits:		
Salary	3,293,403	2,612,931
Changes in annual leave provisions	690	4,196
Performance bonus	289,374	396,153
Other ¹	558,759	483,071
Total Short-term employee benefits	4,142,226	3,496,351
Superannuation (post-employment benefits)	646,668	577,752
Changes in long-service leave provisions	50,908	45,148
Total	4,839,802	4,119,251

During the year the entity has not paid any termination benefits to senior executives (2009: nil).

Notes

¹. "Other" includes motor vehicle allowances and other allowances.

Note 11: Senior Executive Remuneration

Note 11B: Salary Packages for Senior Executives as at 30 June

Average annualised remuneration packages for substantive Senior Executives

As at 30 June 2010	No. SES	Base salary	Total remuneration package ¹
Total remuneration*:		\$	\$
\$205,000 to \$219,999	2	143,350	212,722
\$220,000 to \$234,999	12	151,917	225,171
\$235,000 to \$249,999	1	151,917	239,189
\$265,000 to \$279,999	4	184,845	270,462
\$280,000 to \$294,999	3	188,469	285,068
Total	22		

* Excluding acting arrangements and part-year service.

As at 30 June 2009	No. SES	Base salary	Total remuneration package ¹
Total remuneration*:		\$	\$
\$160,000 to \$174,999	1	118,000	166,947
\$175,000 to \$189,999	3	123,000	179,120
\$190,000 to \$204,999	8	149,354	197,575
\$205,000 to \$219,999	2	152,350	207,256
\$220,000 to \$234,999	1	179,492	227,492
\$235,000 to \$249,999	3	190,600	244,010
\$250,000 to \$264,999	1	193,000	255,650
Total	19		

* Excluding acting arrangements and part-year service.

Notes

1. Non-Salary elements available to Senior Executives include:

- (a) Performance Bonus
- (b) Motor vehicle allowance
- (c) Superannuation
- (d) Other allowances

Note 12: Member Remuneration

Member Remuneration

	2010	2009
The number of members who received:		
\$30,000 to \$44,999	2	2
\$45,000 to \$59,999	2	2
\$75,000 to \$89,999	1	-
\$105,000 to \$119,999	-	1
\$195,000 to \$209,999	-	1
\$300,000 to \$314,999	1	-
\$315,000 to \$329,999	-	1
\$360,000 to \$374,999	1	-
\$435,000 to \$449,999	-	1
Total	7	8

Total expense recognised in relation to Members

	\$	\$
Short-term employee benefits:		
Salary	878,507	1,055,075
Changes in annual leave provisions	(60,262)	(34,573)
Other ¹	17,387	16,804
Total Short-term employee benefits	835,632	1,037,306
Superannuation (post-employment benefits)	104,789	201,066
Changes in long-service leave provisions	15,681	21,438
Total	956,102	1,259,810

Notes

¹ - "Other" includes motor vehicle allowances and other allowances.

Note 13: Remuneration of Auditors

2010 \$'000	2009 \$'000
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Financial statement audit services were provided free of charge to the ACMA.

The fair value of the services provided was:

2009/2010 financial audit by ANAO or its representative

81	81
<u>81</u>	<u>81</u>

No other services were provided by the Auditor-General.

Note 14: Financial Instruments

	2010 \$'000	2009 \$'000
Note 14A: Categories of Financial Instruments		
Financial Assets		
Loans and receivables:		
Cash and cash equivalents	866	903
Trade receivables (gross)	347	387
Total	1,213	1,290
Carrying amount of financial assets	1,162	1,232
Financial Liabilities		
At amortised cost:		
Trade payables	7,008	7,787
Total	7,008	7,787
Carrying amount of financial liabilities	7,008	7,787

Note 14B: Net Income and Expense from Financial Assets

Trade receivables are short term and non interest bearing. There is no income or expense from these assets.

Note 14C: Net Income and Expense from Financial Liabilities

Financial liabilities - at amortised cost		
Interest expense	-	7
Net gain financial liabilities - at amortised cost	-	7
Net gain from financial liabilities	-	7

There is no interest expense from financial liabilities not at fair value from profit and loss this year (2009: \$7,000).

Note 14D: Fair Value of Financial Instruments

All financial assets and liabilities are short term trade receivables and payables the carrying amounts of which are reasonable approximation of fair value.

Note 14: Financial Instruments**Note 14E: Credit Risk**

The ACMA is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2010: \$347,000 and 2009: \$387,000). The ACMA has assessed the risk of the default on payment and has allocated \$51,000 in 2010 (2009: \$58,000) to an impairment allowance account.

The ACMA manages its credit risk by restricting the provision of goods and services on credit to pre-approved credit clients only. Credit limits granted to approved clients are re-assessed at least annually to ensure that the ACMA is not exposed to unacceptable credit risk.

The ACMA holds no collateral to mitigate against credit risk.

Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2010 \$'000	Not past due nor impaired 2009 \$'000	Past due or impaired 2010 \$'000	Past due or impaired 2009 \$'000
Loans and receivables				
Cash and cash equivalents	866	903	-	-
Trade receivables	-	325	347	62
Total	866	1,228	347	62

Ageing of financial assets that were past due but not impaired for 2010

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Trade receivables	82	211	3	-	296
Total	82	211	3	-	296

Ageing of financial assets that were past due but not impaired for 2009

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Trade receivables	3	1	-	-	4
Total	3	1	-	-	4

Note 14F: Liquidity Risk

The ACMA's financial liabilities are payables. The exposure to liquidity risk is based on the notion that the Agency will encounter difficulty in meeting its obligations associated with financial liabilities.

This is highly unlikely as the ACMA is appropriated funding from the Australian Government and the Agency manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the ACMA has policies in place to ensure timely payment are made when due and has no past experience of default.

Maturities for non-derivative financial liabilities 2010

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
Other Liabilities			
Trade payables	7,008	-	7,008
Total	7,008	-	7,008

Maturities for non-derivative financial liabilities 2009

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
Other Liabilities			
Trade payables	7,787	-	7,787
Total	7,787	-	7,787

The ACMA has no derivative financial liabilities in both the current and prior financial year.

Note 14G: Market Risk

The ACMA holds basic financial instruments that are non-interest bearing and have no exposure to market risks.

Note 15: Income Administered on Behalf of Government

	2010 \$'000	2009 \$'000
REVENUE		
Taxation Revenue		
<i>Note 15A: Other Taxes</i>		
Broadcasting licence fees	241,425	341,048
Radiocommunications taxes	153,896	150,276
Telecommunication numbering charges	60,000	59,900
Total other taxes	455,321	551,224
Non-Taxation Revenue		
<i>Note 15B: Sale of Goods and Rendering of Services</i>		
Rendering of services – external parties	2,611	2,410
Total sale of goods and rendering services	2,611	2,410
<i>Note 15C: Fees and Fines</i>		
Licence fees (excluding broadcasting)	42,270	39,002
Fines and Penalties	23,337	666
Total fees and fines	65,607	39,668
<i>Note 15D: Other Revenue</i>		
Industry contributions	161,035	160,652
Total other revenue	161,035	160,652
GAINS		
<i>Note 15E: Sale of Assets</i>		
Intangibles:		
Proceeds from sale	3,109	3,188
Total net gain from sale of assets	3,109	3,188
<i>Note 15F: Reversal of Previous Asset Write-Downs and Impairments</i>		
Reversal of impairment losses	-	31
Total reversals of previous asset write-downs and impairments	-	31

Note 16: Expenses Administered on Behalf of Government

	2010 \$'000	2009 \$'000
EXPENSES		
<i>Note 16A: Suppliers</i>		
Consultants	-	252
Total goods and services	-	252
Goods and services are made up of:		
Rendering of services – external parties	-	252
Total goods and services	-	252
Total suppliers expenses	-	252
<i>Note 16B: Subsidies</i>		
Payable to external parties	160,622	160,187
Total subsidies	160,622	160,187
<i>Note 16C: Write-Down and Impairment of Assets</i>		
Asset write-downs and impairments from:		
Impairment on financial instruments	22,635	-
Total write-down and impairment of assets	22,635	-

Note 17: Assets Administered on Behalf of Government

	2010 \$'000	2009 \$'000
FINANCIAL ASSETS		
<i>Note 17A: Cash and Cash Equivalents</i>		
Special accounts	870	4,677
Cash on hand or on deposit	24	412
Total cash and cash equivalents	894	5,089
<i>Note 17B: Taxation Receivables</i>		
Other taxes	329,393	315,242
Total taxation receivables (gross)	329,393	315,242
Less: impairment allowance account		
Other taxes	949	1,375
Total taxation receivables (net)	328,444	313,867
Taxation receivables were aged as follows:		
Not overdue	325,713	313,183
Overdue by:		
0 to 30 days	2,728	695
31 to 60 days	(2)	(11)
61 to 90 days	7	-
More than 90 days	947	1,375
Total taxation receivables (gross)	329,393	315,242
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	949	1,375
Total impairment allowance account	949	1,375

Note 17: Assets Administered on Behalf of Government

	2010 \$'000	2009 \$'000
Note 17C: Receivables		
Goods and services:		
Goods and services receivable - external parties	352	513
Total receivables for goods and services	352	513
Other receivables:		
Fees, charges and other revenues	33,653	43,389
Fines	22,250	1,000
GST receivable from Australian Taxation Office	351	-
Total other receivables	56,254	44,389
Total receivables (gross)	56,606	44,902
Less: impairment allowance account		
Other receivables	29,331	8,740
Total receivables (net)	27,275	36,162
Receivables are expected to be recovered in:		
No more than 12 months	27,275	36,162
Total trade and other receivables (net)	27,275	36,162
Receivables were aged as follows:		
Not overdue	27,097	-
Overdue by:		
0 to 30 days	141	387
31 to 60 days	16	35,671
61 to 90 days	21	104
More than 90 days	29,331	8,740
Total receivables (gross)	56,606	44,902
The impairment allowance account is aged as follows:		
Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	29,331	8,740
Total impairment allowance account	29,331	8,740

Goods and services receivables are with entities external to the Australian Government. Credit terms granted to receivables vary dependant on legislation.

Note 17: Assets Administered on Behalf of Government
**Reconciliation of the Impairment Allowance Account:
Movements in relation to 2010**

	Taxation receivables	Other receivables	Total
	\$'000	\$'000	\$'000
Opening balance	1,375	8,740	10,115
Amounts written off	(218)	(2,252)	(2,470)
Amounts recovered and reversed	(23)	(19)	(42)
Increase/(decrease) recognised in net surplus	(185)	22,862	22,677
Closing balance	949	29,331	30,280

Movements in relation to 2009

	Taxation receivables	Other receivables	Total
	\$'000	\$'000	\$'000
Opening balance	1,410	8,320	9,730
Amounts recovered and reversed	(39)	(222)	(261)
Increase/(decrease) recognised in net surplus	4	642	646
Closing balance	1,375	8,740	10,115

Note 17D: Other Financial Assets

Accrued Revenues	26	409
Total other financial assets	26	409
Other financial assets are expected to be recovered in:		
No more than 12 months	26	409
More than 12 months	-	-
Total other financial assets	26	409

Note 18: Liabilities Administered on Behalf of Government

	2010 \$'000	2009 \$'000
PAYABLES		
<i>Note 18A: Subsidies</i>		
Payable to external entities	-	3,860
Total subsidies	-	3,860
Subsidies are expected to be settled in:		
No more than 12 months	-	3,860
Total subsidies	-	3,860
<i>Note 18B: Other Payables</i>		
Prepayments received/unearned income	2,419	2,586
Other	531	208
Total other payables	2,950	2,794
Other payables are expected to be settled in:		
No more than 12 months	2,950	2,794
Total other payables	2,950	2,794

Note 19: Administered Reconciliation Table

	2010 \$'000	2009 \$'000
Opening administered assets less administered liabilities as at 1 July	348,873	315,046
Plus: Administered income	687,683	757,173
Less: Administered expenses (non CAC)	(183,257)	(160,439)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA	10,550	9,016
Transfers to the OPA	(510,160)	(571,923)
Closing administered assets less administered liabilities as at 30 June	353,689	348,873

Note 20: Administered Contingent Assets and Liabilities

	Civil Penalty		Total	
	2010	2009	2010	2009
	\$'000	\$'000	\$'000	\$'000
Contingent assets				
New	1,000	-	1,000	-
Total contingent assets	1,000	-	1,000	-
Net contingent assets	1,000	-	1,000	-

Quantifiable Contingencies

The schedule of Administered contingencies reports a contingent asset as at 30 June 2010 in respect of civil penalty of \$1,000,000 (2009: nil). The amount represents an estimate of the outcome of court judgement based on precedent cases. The ACMA has no contingent liability as at 30 June 2010 (2009:nil).

Unquantifiable Contingencies

The ACMA has no unquantifiable contingencies as at 30 June 2010 (2009: nil).

Significant Remote Contingencies

The ACMA has no remote contingencies as at 30 June 2010 (2009: nil).

Note 21: Administered Financial Instruments

	2010 \$'000	2009 \$'000
Note 21A: Categories of Financial Instruments		
Loans and receivables:		
Cash and cash equivalents	894	5,089
Goods and services receivables	352	513
Fees, charges and other revenue receivables	33,653	43,389
Total	34,899	48,991
Carrying amount of financial assets	5,568	44,570
Financial Liabilities		
At amortised cost:		
Subsidies payable	-	3,860
Total	-	3,860
Carrying amount of financial liabilities	-	3,860

Note 21B: Net Income and Expense from Financial Assets

All loans and receivables are short term and non interest bearing. There is no income or expense from these assets (2009: nil).

Note 21C: Net Income and Expense from Financial Liabilities

All financial liabilities are short term and non interest bearing. There is no income or expense from financial liabilities (2009: nil).

Note 21D: Fair Value of Financial Instruments

All financial assets and liabilities are short term trade receivables and payables the carrying amounts of which are reasonable approximation of fair value.

Note 21: Administered Financial Instruments**Note 21E: Credit Risk**

The ACMA is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total amount of trade receivables (2010: \$34,005,000 and 2009: \$43,902,000). The ACMA has assessed the risk of the default on payment and has allocated \$30,280,000 in 2010 (2009: \$10,115,000) to an impairment allowance account.

The ACMA manages its credit risk by restricting the provision of goods and services on credit to pre-approved credit clients only. Credit limits granted to approved clients are re-assessed at least annually to ensure that the ACMA is not

The ACMA holds no collateral to mitigate against credit risk.

Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2010 \$'000	Not past due nor impaired 2009 \$'000	Past due or impaired 2010 \$'000	Past due or impaired 2009 \$'000
Loans and receivables				
Cash and cash equivalents	894	5,089	-	-
Other receivables	4,496	-	29,509	43,902
Total	5,390	5,089	29,509	43,902

Ageing of financial assets that were past due but not impaired for 2010

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Other receivables	141	16	21	-	178
Total	141	16	21	-	178

Ageing of financial assets that were past due but not impaired for 2009

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Loans and receivables					
Other receivables	387	35,671	104	-	36,162
Total	387	35,671	104	-	36,162

Note 21: Administered Financial Instruments**Note 21F: Liquidity Risk**

The ACMA's financial liabilities are payables. The exposure to liquidity risk is based on the notion that the Agency will encounter difficulty in meeting its obligations associated with financial liabilities.

This is highly unlikely as the ACMA is appropriated funding from the Australian Government and the Agency manages its budgeted funds to ensure it has adequate funds to meet payments as they fall due. In addition, the ACMA has policies in place to ensure timely payment are made when due and has no past experience of default.

Maturities for non-derivative financial liabilities 2010

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
Other Liabilities			
Subsidies Payable	-	-	-
Total	-	-	-

Maturities for non-derivative financial liabilities 2009

	within 1 year \$'000	1 to 2 years \$'000	Total \$'000
Other Liabilities			
Subsidies Payable	3,860	-	3,860
Total	3,860	-	3,860

The ACMA has no derivative financial liabilities in both the current and prior financial year.

Note 21G: Market Risk

The ACMA holds basic financial instruments that are non-interest bearing and have no exposure to market risks.

Note 22: Appropriations
Table A: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations

Particulars	Operating		Total	
	Departmental outputs			
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Balance brought forward from previous period (<i>Appropriation Acts</i>)	11,334	13,434	11,334	13,434
<i>Appropriation Act:</i>				
<i>Appropriation Act (No. 1) 2009-2010 as passed</i>	97,742	93,013	97,742	93,013
<i>Appropriation Act (No. 3) 2009-2010 as passed</i>	2,000	-	2,000	-
Appropriations reduced (Appropriation Act sections 10) ¹	(2,828)	(989)	(2,828)	(989)
<i>FMA Act:</i>				
Appropriations to take account of recoverable GST (FMA Act section 30A) ²	4,716	4,263	4,716	4,263
Relevant agency receipts (FMA Reg 15)	17,871	6,428	17,871	6,428
Total appropriations available for payments	130,835	116,149	130,835	116,149
Cash payments made during the year (GST inclusive)	116,817	104,815	116,817	104,815
Balance of authority to draw cash from the Consolidated Revenue Fund for ordinary annual services appropriations and as represented by:	14,018	11,334	14,018	11,334
Cash at bank and on hand	866	903	866	903
Departmental appropriations receivable	12,466	9,846	12,466	9,846
Net GST payable (to)/from ATO	686	585	686	585
Total as at 30 June	14,018	11,334	14,018	11,334

¹ Departmental and non-operating appropriations do not lapse at financial year-end. However, the responsible Minister may decide that part or all of a departmental or non-operating appropriation is not required and request the Finance Minister to reduce that appropriation. The reduction in the appropriation is effected by the Finance Minister's determination and is disallowable by Parliament. On 28 May, 2010, the Finance Minister determined a reduction in departmental outputs appropriations following a request by the Minister for Broadband Communications and Digital Economy. The amount of the reduction under the Appropriation Act (No. 1) of 2009-10 was \$2,828,00. (2009: \$989,000).

² The amounts in this line item are calculated on an accrual basis to the extent that an expense may have been incurred that includes GST but has not been paid by year end.

Note 22: Appropriations
Table B: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Other than Ordinary Annual Services Appropriations

Particulars	Non-Operating Equity		Total	Total
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Balance brought forward from previous period (Appropriation Acts)	24,891	25,774	24,891	25,774
Appropriation Act:				
Appropriation Act (No. 2) 2009-2010 as passed	1,406	3,694	1,406	3,694
Appropriation Act (No. 2) - Previous Years Outputs 2009-2010 as passed	2,303	-	2,303	-
Total appropriations available for payments	28,600	29,468	28,600	29,468
Cash payments made during the year (GST inclusive)	(16,558)	(4,577)	(16,558)	(4,577)
Balance of authority to draw cash from the consolidated revenue fund for other than ordinary annual services appropriations and as represented by:	12,042	24,891	12,042	24,891
Departmental appropriation receivable	12,042	24,891	12,042	24,891
Total as at 30 June	12,042	24,891	12,042	24,891

Note 22: Appropriations

Table C: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund - Special Appropriations (Refund Provisions)

Financial Management and Accountability Act 1997 s28	2010	2009
Providing refunds for administered revenues	\$'000	\$'000
Cash payments made during the year	3,535	2,721
Total charged to Special Appropriation	3,535	2,721
Budget estimate (FMA Act section 28)	3,535	3,000

Table D: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund - Special Appropriation (Limited Amount)

Telecommunications Act 1997 s136C(4)	2010	2009
	Outcome 1	
	\$'000	\$'000
Reimbursement of costs of developing consumer-related industry code		
Amount brought forward from previous period	-	-
Appropriation for reporting period	600	-
Appropriations to take account of recoverable GST (FMA Act section 30A)	25	-
Available for payments	625	-
Cash payments made during the year (GST inclusive)	277	-
Appropriations lapsed	348	-
Total	-	-

Note 23: Special Accounts

Universal Service Account (Administered)	2010 \$'000	2009 \$'000
Appropriation: <i>Financial Management and Accountability Act 1997; s21</i>		
Establishing instrument: <i>Telecommunications (Consumer Protection and Service Stds) Act 1999, Division 14, Section 21(2)</i>		
<i>Purpose:</i> The above account is used for the collection of the USO levy from telecommunications providers and making payments to the USO provider (Telstra).		
Balance brought forward from previous period	908	806
Appropriations to take account of recoverable GST (FMA Act section 30A)	4,823	4,559
Other receipts	53,261	52,511
Total increase	58,992	57,876
Payments made to suppliers	(58,141)	(56,968)
Total decrease	(58,141)	(56,968)
Balance carried to next period (excluding investment balances) and represented by:	851	908
Cash - held in the Official Public Account	851	908
Total balance carried to the next period	851	908

National Relay Service (Administered)	2010 \$'000	2009 \$'000
Appropriation: <i>Financial Management and Accountability Act 1997; s21</i>		
Establishing instrument: <i>Telecommunications (Consumer Protection and Service Stds) Act 1999, Division 4, Section 102(2)</i>		
<i>Purpose:</i> The above account is used for the collection of the NRS levy from telecommunications providers and making payments to the NRS providers.		
Balance brought forward from previous period	3,568	6,552
Appropriations to take account of recoverable GST (FMA Act section 30A)	1,915	1,736
Other receipts	15,599	15,033
Total increase	21,082	23,321
Payments made to suppliers	(21,063)	(19,753)
Total decrease	(21,063)	(19,753)
Balance carried to next period (excluding investment balances) and represented by:	19	3,568
Cash - held in the Official Public Account	19	3,568
Total balance carried to the next period	19	3,568

Note 23: Special Accounts

Other Trust Moneys (Special Public Money)	2010 \$'000	2009 \$'000
Appropriation: <i>Financial Management and Accountability Act 1997; s21</i>		
Establishing Instrument: <i>Financial Management Act 1962; s600</i>		
<i>Purpose</i> : Monies held on trust for or for the benefit of a person other than the Commonwealth		
This account is non-interest bearing		
Balance carried from previous period	223	9
Other receipts	59	522
Total credits	282	531
Payments made to ITU	(202)	(176)
Comcare Payments made	(72)	(132)
Total debits	(274)	(308)
Balance carried to next period and represented by:	8	223
Cash - held in the Official Public Account	-	223
Cash - held by the agency	8	-
Total balance carried to the next period	8	223

Note 24: Compensation and Debt Relief

	2010 \$	2009 \$
Departmental		
No 'Act of Grace' expenses were incurred during the reporting period (2009: No payments made).	-	-
No above expenses were paid on a periodic basis (2009: No above expenses paid on a periodic basis).	-	-
No waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2009: No waiver made).	-	-
Defective Administration (CDDA) Scheme during the reporting period (2009: No payments made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2009: No payments made).	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2009: No payments made).	-	-
Administered		
No 'Act of Grace' expenses were incurred during the reporting period. (2009: No payments made).	-	-
No above expenses were paid on a periodic basis (2009: No above expenses paid on a periodic basis).	-	-
Two waivers of amounts owing to the Australian Government were made pursuant to subsection 34(1) of the Financial Management and Accountability Act 1997 (2009: One waiver).	17,380	100,000
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2009: No payment made).	-	-
No payments were provided under the Compensation for Detriment caused by Defective Administration (CDDA) Scheme during the reporting period (2009: No payments made).	-	-
No ex-gratia payments were provided for during the reporting period (2009: No payments)	-	-
No payments were provided in special circumstances relating to APS employment pursuant to section 73 of the Public Service Act 1999 (PS Act) during the reporting period (2009: No payments made).	-	-

Note 25: Reporting of Outcomes

The ACMA uses an Activity Based Costing System to determine the attribution of its shared items. This system was based on average staffing level (ASL) for the majority of corporate activities in the year with other relevant allocations including floor space.

In 2009-10 the ACMA has consolidated the two outcomes in 2008-09 into a single outcome.

Table A: Net Cost of Outcome Delivery

2010	Outcome 1 \$'000
Expenses	
Administered	183,257
Departmental	109,037
Total	292,294
Income from non-government sector	
Administered	
Activities subject to cost recovery	44,881
Other	642,802
Total administered	687,683
Departmental	
Activities subject to cost recovery	1,602
Other	300
Total departmental	1,902
Total	689,585
Other own-source income	
Administered	-
Departmental	-
Total	-
Net contribution of outcome delivery	(397,291)

2009	Outcome 1 \$'000	Outcome 2 \$'000	Total \$'000
Expenses			
Administered	311	160,097	160,408
Departmental	68,887	30,084	98,971
Total	69,198	190,181	259,379
Income from non-government sector			
Administered			
Activities subject to cost recovery	521,128	159,996	681,124
Other	58,161	17,857	76,018
Total administered	579,289	177,853	757,142
Departmental			
Activities subject to cost recovery	194	40	234
Other	1,738	356	2,094
Total departmental	1,932	396	2,328
Total	581,221	178,249	759,470
Other own-source income			
Administered			-
Departmental	-	-	-
Total	-	-	-
Net cost (contribution) of outcome delivery	(512,023)	11,932	(500,091)

Note 25: Reporting of Outcomes

Table B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcomes

2010	Outcome 1 \$'000
Departmental Expenses	
Employee benefits	62,570
Suppliers	41,094
Depreciation and amortisation	5,026
Write-down and impairment of assets	347
Total	109,037
Departmental Income	
Revenue from government	108,223
Sale of goods and rendering services	385
Other revenue	1,424
Other gains	93
Total	110,125
Departmental Assets	
Cash and cash equivalents	866
Trade and other receivables	34,526
Land and buildings	10,938
Infrastructure, plant and equipment	7,724
Intangibles	9,154
Other non-financial assets	1,826
Total	65,034
Departmental Liabilities	
Suppliers	8,440
Other payables	2,254
Employee provisions	15,553
Other provisions	1,568
Total	27,815

Note 25: Reporting of Outcomes

B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcomes

2009	Outcome 1 \$'000	Outcome 2 \$'000	Not attributed* \$'000	Total \$'000
Departmental Expenses				
Employee benefits	41,754	15,580	-	57,334
Suppliers	23,614	13,590	-	37,204
Depreciation and amortisation	3,351	870	-	4,221
Financing costs	6	1	-	7
Write-down and impairment of assets	159	43	-	202
Loss on sale of assets	3	-	-	3
Total	68,887	30,084	-	98,971
Departmental Income				
Income from government	66,344	28,972	-	95,316
Sale of goods and rendering services	464	44	-	508
Other revenue	1,381	329	-	1,710
Other gains	87	24	-	111
Total	68,276	29,369	-	97,645
Departmental Assets				
Cash and cash equivalents	-	-	903	903
Trade and other receivables	-	-	38,759	38,759
Land and buildings	8,051	2,549	-	10,600
Infrastructure, plant and equipment	6,464	1,615	-	8,079
Intangibles	4,044	942	-	4,986
Other non-financial assets	497	193	952	1,642
Total	19,056	5,299	40,614	64,969
Departmental Liabilities				
Suppliers	5,649	3,170	938	9,757
Other payables	1,670	544	10	2,224
Employee provisions	11,144	4,121	-	15,265
Other provisions	-	-	1,592	1,592
Total	18,463	7,835	2,540	28,838

* Assets and liabilities that can not be reliably attributed to outcomes.

Note 25: Reporting of Outcomes

Table C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcomes

2010	Total \$'000
Administered expenses	
Subsidies	160,622
Write-down and impairment of assets	22,635
Total	183,257
Administered income	
Other taxes	455,321
Sale of goods and rendering of services	2,611
Fees and fines	65,607
Other non-taxation revenue	161,035
Sale of assets	3,109
Total	687,683
Administered assets	
Cash and cash equivalents	894
Taxation receivables	328,444
Receivables	27,275
Other financial assets	26
Total	356,639
Administered liabilities	
Other payables	2,950
Total	2,950

Note 25: Reporting of Outcomes

C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcomes

2009	Outcome 1 \$'000	Outcome 2 \$'000	Not attributed* \$'000	Total \$'000
Administered expenses				
Subsidies	-	160,187	-	160,187
Supplies	-	252	-	252
Total	-	160,439	-	160,439
Administered income				
Other taxes	546,715	4,509	-	551,224
Sale of goods and rendering of services	94	2,316	-	2,410
Fees and fines	29,292	10,376	-	39,668
Other non-taxation revenue	-	160,652	-	160,652
Sale of assets	3,188	-	-	3,188
Reversal of previous asset write-downs and impairments	(311)	342	-	31
Total	578,978	178,195	-	757,173
Administered assets				
Cash and cash equivalents	-	4,475	614	5,089
Taxation receivables	313,869	(2)	-	313,867
Receivables	20,897	15,265	-	36,162
Other financial assets	409	-	-	409
Total	335,175	19,738	614	355,527
Administered liabilities				
Subsidies	-	3,860	-	3,860
Other payables	2,514	72	208	2,794
Total	2,514	3,932	208	6,654

* Assets and liabilities that can not be reliably attributed to outcomes.

Glossary

3G	Third generation mobile telecommunications Mobile telecommunications systems that can provide global mobile communications and support multimedia applications.
3.5G/4G	Enhancements to mobile telecommunications systems that increase the usable data rate to allow the delivery of data-intensive applications such as high resolution video.
ABA	Australian Broadcasting Authority Former Commonwealth regulatory authority responsible for broadcasting.
ABC	Australian Broadcasting Corporation Free-to-air national broadcaster of ABC radio and television channels, as well as the internet services ABC Online, ABC Broadband and DIG internet radio. The ABC is funded by the Australian Government.
ABS	Australian Bureau of Statistics Australia's official statistical organisation serving government, business and the general population.
ACA	Australian Communications Authority Former Commonwealth regulatory authority responsible for radiocommunications and telecommunications.
ACCC	Australian Competition and Consumer Commission Commonwealth regulatory body with responsibilities derived from the <i>Trade Practices Act 1974</i> .
ACE	Australian Communication Exchange Current National Relay Service provider and emergency call person for the text-based emergency call service.
ACMA	Australian Communications and Media Authority Commonwealth regulatory authority for broadcasting, online content, radiocommunications and telecommunications, with responsibilities under the <i>Broadcasting Services Act 1992</i> , the <i>Radiocommunications Act 1992</i> , the <i>Telecommunications Act 1997</i> and related Acts. Established on 1 July 2005 following a merger of the Australian Communications Authority and the Australian Broadcasting Authority.
ADSL2+	Version of ADSL that uses double the bandwidth for downstream data transmission, effectively doubling maximum downstream data rates.
AISI	Australian Internet Security Initiative An initiative developed by the ACMA that provides daily reports to Australian ISPs identifying recent instances of 'compromised' (infected) IP addresses on their networks.
ANAO	Australian National Audit Office Office responsible for financial and performance audits of Commonwealth departments and authorities.
ANC	Annual Numbering Charges
ARPANSA	Australian Radiation Protection and Nuclear Safety Agency Commonwealth regulatory and research agency responsible for protecting people and the environment from the harmful effects of ionising and non-ionising radiation.
Associated Newspaper Register	A public register of newspapers 'associated' with commercial radio or commercial television broadcasting licence areas.
ASTRA	Australian Subscription Television and Radio Association Industry body for subscription television, radio broadcasters and narrowcasters, responsible for developing and reviewing industry codes of practice, in consultation with the ACMA.

bandwidth	In the internet industry, bandwidth refers to the capacity of a connection to carry information, while in radiocommunications, it is the amount of radiofrequency spectrum used for a particular function.
broadband	Describes a class of internet access technologies, such as ADSL, HFC cable and WiFi, offering a data rate significantly higher than narrowband services. These services are usually 'always on' and do not tie up a telephone line exclusively for data.
BSB	broadcasting services bands Parts of the radiofrequency spectrum dedicated to broadcasting services.
carrier	The holder of a telecommunications carrier licence in force under the <i>Telecommunications Act 1997</i> .
CCF	Consumer Consultative Forum Assists the ACMA to perform its functions relating to consumers.
CDMA	code division multiple access Digital coding technique used primarily for mobile telecommunications and satellite services, employing a bandwidth much larger than the original signal. Each signal is uniquely encoded and decoded, allowing many signals to occupy the same spectrum.
Communications Alliance	Australia's peak communications industry organisation that promotes the growth of the Australian communications industry and the protection of consumer interests.
coverage area	Geographic area in which calls are able to be made successfully. For instance, the area between a base station and a mobile phone handset.
CPRs	cabling provider rules Rules to support telecommunications cabling industry self-regulation.
CSER	Communications Security and Enforcement Roundtable A forum that deals with communications, law enforcement regulatory and operational matters. CSER replaced the Law Enforcement Advisory Committee (LEAC).
CSG	Customer Service Guarantee Standard covering provision of the standard telephone service that provides for financial compensation to customers if the requirements in the standard are not met. The new CSG Standard came into effect from 30 June 2000, replacing the original 1998 standard, and was amended in 2004.
CSP	carriage service provider Person supplying or proposing to supply services to the public using carrier networks.
CTS	Children's Television Standards Standards designed to provide access for children (aged <14 years) to quality television programs made specifically for them. The standards regulate timing and scheduling of children's programs and content of adjacent programming.
DAB	Digital Audio Broadcasting A digital radio technology for broadcasting radio stations.
datacasting	A service that delivers content in the form of text, data, speech, music or other sounds, visual images, or any other form or combinations of forms, where delivery uses the BSB.
DBCDE	Department of Broadband, Communications and the Digital Economy Commonwealth department that provides policy advice and program support to the Australian Government on information technology and communications portfolio issues.
DNCR	Do Not Call Register Established by the ACMA to allow a fixed line, internet-based phone number or mobile number to be registered to opt out of receiving most Australian and overseas unsolicited marketing calls or faxes (with limited exemptions for public interest organisations).
ECSAC	Emergency Call Service Advisory Committee Formerly the Emergency Services Advisory Committee. Advises on emergency services matters.
EMC	electromagnetic compatibility Ability of an electrical or electronic device or system to function satisfactorily without causing electromagnetic interference to other devices.
EME	electromagnetic energy Energy of electric and magnetic field components of a radio wave.
ENUM	Electronic NUMbering A protocol that translates numbers into a format that can be recognised by the internet system, and enables the linking of telephone numbers or internet addresses with communications services such as email, facsimile transmission and mobile telephony.

ESNA	e-security National Agenda Established by the Australian Government to strengthen the electronic operating environment for business, home users and government agencies.
ESO	Emergency Service Organisation Organisation providing an emergency service, such as police, ambulance or fire brigade.
fixed-line telephone service	A term used to describe the delivery of voice services over the PSTN network. Does not typically refer to VoIP phone services.
FLRN	freephone and local rate number Telephone numbers commencing with the digits 180 (freephone) and 13 (local rate).
FOI Act	<i>Freedom of Information Act 1982</i> Legislation dealing with access by the general public to information gathered and held by Commonwealth agencies.
Free TV Australia	Industry body responsible for developing and reviewing the Commercial Television Industry Code of Practice.
GHz	gigahertz One billion Hertz (where one Hertz is the measurement of frequency equal to one cycle of electromagnetic radiation per second).
GSM	global system for mobile communications The widely used European digital cellular network standard.
HDTV	High-definition television A digital television broadcasting system with higher resolution than traditional television systems.
HF	high frequency Radiofrequency spectrum in the 3–30 MHz frequency range.
IAP	Internet Assistance Program
ICT	Information and Communication Technology
INHOPE	International Association of Internet Hotlines Deals with complaints about illegal internet content, mainly child pornography.
INMS	Industry Number Management Services Ltd Company established by carriers and carriage service providers to manage and allocate portable freephone and local rate numbers from a pool, under delegation from the ACMA.
interception	The interception of telecommunications services for the purpose of law enforcement and national security.
IP	internet protocol The key member of the suite of internet protocols at the logical layer, specifying packet addressing and routing of data through the internet.
IPND	Integrated Public Number Database Database of information about customers of telecommunications services in Australia, arranged by number, for all carriers and carriage service providers.
IPTV	internet protocol television Television system whereby digital content is delivered via a network infrastructure, often in conjunction with video-on-demand and other non-television services such as VoIP and other internet services.
ISP	internet service provider Service provider offering internet access.
ITU	International Telecommunication Union United Nations agency that coordinates international telecommunications matters.
ITU-R	ITU—Radiocommunication Sector ITU body dealing with international radiocommunications matters.
kbit/s	kilobits per second Data communication rate of one thousand bits per second.
kHz	kilohertz One thousand Hertz (see also Gigahertz).
LAP	Licence area plan A legislative instrument setting out the licence area and the technical specifications for existing and proposed services.
LEAC	Law Enforcement Advisory Committee Committee that advises on communications law enforcement matters. LEAC was replaced by CSER in 2008–09.

LIPD	Low Interference Potential Devices
low-impact facilities	Communications facilities that are considered to have a low impact on their environment. They include underground cabling, small radiocommunications antennas and dishes, in-building subscriber connections and public payphones. The Telecommunications Act provides carriers with immunity from state and territory planning laws for the installation of 'low-impact' facilities.
LPON	low power open narrowcasting Radiocommunications class licence type authorising radio services operating at very low power outputs in the frequency range 87.5–88.0 MHz.
MHz	Megahertz One million Hertz (see also Gigahertz).
the minister	Minister for Broadband, Communications and the Digital Economy Minister responsible for the ACMA and its governing legislation.
MMS	multimedia messaging service Mobile telecommunications data transmission service for sending messages with a combination of text, sound, image and video to MMS-capable handsets.
MNP	mobile number portability Portability for mobile phone numbers. See number portability.
NAC	Numbering Advisory Committee Committee established to advise on numbering matters.
narrowband	A class of telecommunications services such as dial-up internet access that offer data rates of 64 kbit/s or lower.
NATA	National Association of Testing Authorities Australia's national laboratory accreditation authority that recognises and promotes facilities competent in specific types of testing, measurement, inspection and calibration.
NGN	next generation network General term for developments in network architecture using various access and core technologies covering wired, wireless and mobile communications. A primary characteristic is the decoupling of services and networks, allowing these to be offered separately and to evolve independently.
NRF	Network Reliability Framework Requirement on Telstra from January 2003 to provide regular reports to the ACMA on the reliability of its fixed line services, and to remediate the network in areas with particularly poor performance.
NRS	National Relay Service Translation service between voice and non-voice telephone users providing access to the standard telephone service for people with communication impairment. Relays voice, modem or telephone typewriter communications.
number portability	Arrangements allowing customers to transfer from one telecommunications service provider to another without changing their number.
payphone	Public telephone where calls may be paid for with coins, phone cards, credit cards or reverse charge facilities.
portability	See number portability .
pre-selection	Offers customers choice and supports competition by enabling competing operators to use the networks of other carriers to access their customers.
priority assistance	Service for people with a diagnosed life-threatening medical condition entitling them to faster connection and fault repair of their fixed-line telephone service.
RCC	Radiocommunications Consultative Committee Formed to facilitate consultation between the ACMA and industry on major domestic and international radiocommunications issues.
RCMG	Register of Controlled Media Groups Lists the media groups in each licence area, the media operations that form part of a group and the controllers of those operations.
SBS	Special Broadcasting Service Free-to-air national radio and television broadcasting service providing multilingual and multicultural programs that inform, educate and entertain all Australians and, in doing so, reflect Australia's multicultural society. The SBS Online service also provides additional multilingual content through the internet.
SDTV	Standard definition television

SID	Spam Intelligence Database Designed and built in-house, SID is the ACMA's high performance spam analysis system, capable of processing hundreds of thousands of spam email messages per day. SID analyses all components of an email and stores the data in such a way that it can be easily searched, categorised, and linked to data from other emails with similar characteristics.
SMP	standard marketing plan Approved plan by the universal service provider of how it will meet the USO.
SMS	short message service Mobile telecommunications data transmission service that allows users to send short text messages to each other using the mobile handset keypad.
spam	Unsolicited commercial electronic messages sent to email, mobile phone and instant messaging accounts.
smartnumbers®	Specified freephone (1800) or local rate (13, or 1300) numbers allocated by auction that are considered desirable because they can be translated to a phoneword or have a memorable pattern.
Subscription television	Service providing access, for a fee, to television channels transmitted using cable, satellite or terrestrial microwave.
TAG	Technical Advisory Group Provides policy advice and recommendations to the ACMA about strategic directions in the technical regulation of communications in Australia.
TCBL	Temporary Community Broadcasting Licence
Three-way control	An unacceptable three-way control situation exists in relation to the licence area of a commercial radio broadcasting licence (the first radio licence area) if a person is in a position to exercise control of a commercial television broadcasting licence, where more than 50 per cent of the licence area population of the first radio licence area is attributable to the licence area of the commercial television broadcasting licence; and a commercial radio broadcasting licence, where the licence area of the commercial radio broadcasting licence is, or is the same as, the first radio licence area; and a newspaper that is associated with the first radio licence area.
TIO	Telecommunications Industry Ombudsman Industry-funded independent dispute resolution service for consumers who are unable to resolve individual complaints with their carriers and carriage service providers.
trigger event	A trigger event relates to commercial regional radio licences and includes: a transfer of a licence; or formation of a new registrable media group which includes a regional commercial radio broadcasting licence; or change of controller of a registrable media group which includes a regional commercial radio broadcasting licence.
TS	technical standard Standard for communications customer equipment or networks.
TSAG	Telecommunications Standardization Advisory Group
TTY	teletypewriter Telephone typewriter where the caller types the communication after the call is connected, enabling people with communication impairment to use the standard telephone service.
TWG	Technical Working Group
UHF	ultra high frequency Part of the radiofrequency spectrum between 300 and 3,000 MHz.
USO	universal service obligation Obligation under the <i>Telecommunications Act 1997</i> to ensure that standard telephone, payphone and prescribed carriage services are reasonably accessible to all people in Australia on an equitable basis, wherever they reside or carry on business.
VHF	very high frequency Portion of the radiofrequency spectrum between 30 and 300 MHz.
VoIP	voice over internet protocol A protocol for transmitting voice over packet-switched data networks. Also called IP telephony.
WAS	Wireless access services The wireless connection of business and households to the internet and the phone system.
WiMAX	Worldwide Interoperability for Microwave Access Industry group organised to advance the IEEE 802.16 standards for broadband wireless access networks for multimedia applications with a wireless connection.
WRC	World Radiocommunication Conference ITU conference held every three or four years to review and amend international radio regulations.

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